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Washington, Thursday, April 20, 1950

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

PART 664—TOBACCO

SUBPART—1949 TOBACCO LOAN PROGRAM

Set forth below are schedules of advance rates, by grades, for the 1949 crop of types 32 and 32b, Maryland tobacco in loose leaf form, under the tobacco loan program formulated by Commodity Credit Corporation and Production and Marketing Administration, published July 7, 1949 (14 F. R. 3752).

§ 664.37 *1949 Crop—Maryland Tobacco, Type 32, in Loose Leaf Form, Advance Schedule.*[1]

[Dollars per 100 pounds, farm sales weight]

Grade:	Advance rate	Grade:	Advance rate
B1F	63.12	T4D	12.12
B2F	60.12	T5D	10.12
B3F	57.12	T4G	12.12
B4F	49.12	T5G	10.12
B5F	35.12	C1L	66.12
B1R	58.12	C2L	65.12
B2R	54.12	C3L	61.12
B3R	44.12	C4L	59.12
B4R	30.12	C5L	47.12
B5R	16.12	C1F	66.12
B3V	42.12	C2F	66.12
B4V	34.12	C3F	63.12
B5V	18.12	C4F	61.12
B3D	26.12	C5F	51.12
B4D	14.12	C1R	62.12
B5D	11.12	C2R	60.12
B3G	20.12	C3R	57.12
B4G	13.12	C4R	53.12
B5G	11.12	C5R	37.12
T3F	46.12	C3V	53.12
T4F	35.12	C4V	45.12
T5F	19.12	C5V	29.12
T3R	35.12	C3D	41.12
T4R	20.12	C4D	31.12
T5R	11.12	C5D	16.12
T4V	18.12	C3G	34.12
T5V	12.12	C4G	25.12

[1] The farmer cooperative association through which the loans are made for Maryland tobacco, types 32 and 32b, are authorized to deduct from the amount paid to growers 12 cents per hundred pounds to apply against the overhead costs to the association of the loan operation. Tobacco can be placed under loan only by the original producer. Tobacco graded "W" (wet), "U" (unsound), "DAM" (damaged), N2L, N2D, or N2G will not be accepted.

[Dollars per 100 pounds, farm sales weight]

Grade:	Advance rate	Grade:	Advance rate
C5G	14.12	X3D	26.12
X1L	62.12	X4D	14.12
X2L	60.12	X5D	10.12
X3L	56.12	X3G	20.12
X4L	47.12	X4G	12.12
X5L	33.12	X5G	10.12
X1F	62.12	P3L	40.12
X2F	60.12	P4L	28.12
X3F	53.12	P5L	14.12
X4F	45.12	P3F	38.12
X5F	31.12	P4F	26.12
X1R	57.12	P5F	13.12
X2R	53.12	P3R	24.12
X3R	47.12	P4R	15.12
X4R	32.12	P5R	11.12
X5R	16.12	N1L	10.12
X3V	36.12	N1D	9.12
X4V	26.12	N1G	9.12
X5V	16.12		

§ 664.38 *1949 Crop—Maryland Tobacco, Type 32b, in Loose Leaf Form, Advance Schedule.*[1]

[Dollars per 100 pounds, farm sales weight]

Grade:	Advance rate	Grade:	Advance rate
B1F	47.12	C2F	49.12
B2F	45.12	C3F	47.12
B3F	43.12	C4F	46.12
B4F	37.12	C5F	38.12
B5F	26.12	C1R	46.12
B1R	43.12	C2R	45.12
B2R	40.12	C3R	43.12
B3R	33.12	C4R	40.12
B4R	22.12	C5R	28.12
B5R	12.12	C3V	40.12
B3V	31.12	C4V	34.12
B4V	25.12	C5V	22.12
B5V	13.12	C3D	31.12
B3D	19.12	C4D	23.12
B4D	10.12	C5D	12.12
B5D	8.12	C3G	25.12
B3G	15.12	C4G	19.12
B4G	10.12	C5G	10.12
B5G	8.12	X1L	46.12
T3F	34.12	X2L	45.12
T4F	26.12	X3L	42.12
T5F	14.12	X4L	35.12
T3R	26.12	X5L	25.12
T4R	15.12	X1F	46.12
T5R	8.12	X2F	45.12
T4V	13.12	X3F	40.12
T5V	9.12	X4F	34.12
T4D	9.12	X5F	23.12
T5D	7.12	X1R	43.12
T4G	9.12	X2R	40.12
T5G	7.12	X3R	35.12
C1L	49.12	X4R	24.12
C2L	49.12	X5R	12.12
C3L	46.12	X3V	27.12
C4L	44.12	X4V	19.12
C5L	35.12	X5V	12.12
C1F	49.12	X3D	19.12

(Continued on next page)

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FEDERAL REGISTER

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[Dollars per 100 pounds, farm sales weight]

Grade:	Advance rate	Grade:	Advance rate
X4D	10.12	P4F	19.12
X5D	7.12	P5F	10.12
X3G	15.12	P3R	18.12
X4G	9.12	P4R	11.12
X5G	7.12	P5R	8.12
P3L	30.12	N1L	7.12
P4L	21.12	N1D	7.12
P5L	10.12	N1G	7.12
P3F	28.12		

(Sec. 4, 62 Stat. 1070; 15 U. S. C. Sup., 714b. Interprets or applies sec. 5, 62 Stat. 1072; 15 U. S. C. 714c)

Issued this 12th day of April 1950.

[SEAL] JOHN H. DEAN,
Acting Vice-President,
Commodity Credit Corporation.

Approved:

FRANK K. WOOLLEY,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 50-3319; Filed, Apr. 19, 1950; 8:50 a. m.]

TITLE 7—AGRICULTURE

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 814.4]

PART 814—ALLOTMENT OF SUGAR QUOTAS

DIRECT CONSUMPTION PORTION OF 1950 FOR PUERTO RICO

Basic and purpose. This allotment order is issued under section 205 (a) of

the Sugar Act of 1948 (herein called "act"), for the purpose of allotting the portion of the 1950 sugar quota for Puerto Rico which may be filled by direct-consumption sugar among persons who market such sugar in the continental United States. The basis and purpose of the order are more fully explained below.

Omission of recommended decision and effective date. The record of the public hearing regarding the subject of this order shows that the capacity of Puerto Rican refineries to produce direct consumption sugar far exceeds the sum of 126,033 short tons of such sugar which may be marketed in the continental United States under the act and the quantity of sugar needed for local consumption in Puerto Rico (Jan. 27, 1950, R. 5; Feb. 28, 1950, Ex. 5). The proceeding to which this order relates was instituted for the purpose of allotting the direct-consumption portion of the quota to prevent disorderly marketing and to afford all interested persons an equitable opportunity to market direct-consumption sugar in the continental United States (Jan. 27, 1950, Feb. 28, 1950, Ex. 1). Some of the allotments made by this order are small and could be exceeded if issuance of this order is delayed. Therefore, it is imperative that this order become effective at the earliest possible date in order fully to effectuate the purposes of section 205 (a) of the act. Accordingly, it is hereby found that due and timely execution of the functions imposed upon the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision in this proceeding. It is hereby further found that compliance with the 30-day effective date requirement of the Administration Procedure Act (60 Stat. 237) is impracticable and contrary to the public interest and, consequently, this order shall be effective when published in the FEDERAL REGISTER.

Preliminary statement. Section 207 (b) of the act provides that not more than 126,033 short tons, raw value, of the sugar quota for Puerto Rico for any calendar year may be filled by direct-consumption sugar.

Under the provisions of section 205 (a) of the act, the Secretary is required to allot a quota or proration thereof whenever he finds that allotment is necessary (1) to assure an orderly and adequate flow of sugar or liquid sugar in the channels of interstate or foreign commerce, (2) to prevent the disorderly marketing of sugar or liquid sugar, (3) to maintain a continuous and stable supply of sugar or liquid sugar, or (4) to afford all interested persons an equitable opportunity to market sugar or liquid sugar within the quota for the area. Section 205 (a) also provides that such allotment shall be made after such hearing and upon such notice as the Secretary may by regulation prescribe.

On January 12, 1950, the Secretary, pursuant to the applicable rules of practice and procedure (7 CFR 801.1 et seq.) issued notice of a public hearing to be held in San Juan, Puerto Rico, on January 27, 1950, for the purpose of receiving evidence to enable him to make a fair, efficient, and equitable distribution of the direct-consumption portion of the 1950 sugar quota for Puerto Rico. On February 15, 1950, the Secretary issued notice that this hearing would be reopened on February 28, 1950, for the purpose of obtaining additional evidence.

As stated above, the act requires a preliminary finding of necessity for allotment as a condition precedent to the calling of a hearing. Accordingly, the notice of hearing issued January 12, 1950, provided in part as follows:

> Pursuant to the authority contained in the Sugar Act of 1948 (61 Stat. 922; 7 U. S. C. 1100) and in accordance with the applicable rules of practice and procedure (12 F. R. 8225, 13 F. R. 127, 2063; 7 CFR 801.1 et seq.), and on the basis of information before me, I do hereby find that the allotment of the 1950 sugar quota for Puerto Rico for consumption in the continental United States, including the allotment of the direct consumption portion thereof, and the 1950 sugar quota for local consumption in Puerto Rico is necessary to prevent disorderly marketing and importation of such sugar and to afford all interested persons an equitable opportunity to market such sugar in the continental United States and Puerto Rico, respectively, and hereby give notice that public hearings will be held at San Juan, Puerto Rico, in the auditorium of the School of Tropical Medicine on January 25 and 27, 1950, at 10:00 a. m.

Similarly, the notice of hearing issued February 15, 1950, provided in part as follows:

> Pursuant to notice issued on January 12, 1950 (15 F. R. 245), a public hearing was held at San Juan, Puerto Rico, on January 27, 1950, for the purpose of receiving evidence to enable the Secretary of Agriculture to make a fair, efficient, and equitable distribution of the direct consumption portion of the 1950 sugar quota for Puerto Rico for consumption in the continental United States. In view of the decision rendered by the Supreme Court on February 6, 1950, in the case of Secretary of Agriculture v. Central Roig Refining Company et al., I find that the evidence obtained at that hearing is not adequate to furnish a basis for a fair, efficient, and equitable distribution of the portion of the quota in question. Accordingly, pursuant to the authority contained in the Sugar Act of 1948 (61 Stat. 922; 7 U. S. C. 1100) and in accordance with the applicable rules of practice and procedure (12 F. R. 8225, 13 F. R. 127, 2063; 7 CFR 801.1 et seq.), notice is hereby given that the aforesaid hearing held on January 27, 1950, is reopened for the purpose of obtaining additional evidence which will enable the Secretary of Agriculture to make a fair, efficient, and equitable distribution of the direct-consumption portion of the 1950 sugar quota for Puerto Rico for consumption in the continental United States, and such reopened hearing will be held at San Juan, Puerto Rico, in the Caribbean Area Office, Production and Marketing Administration on February 28, 1950, at 10:00 a. m.

The hearings were held at San Juan, Puerto Rico, on the dates specified in the notices.

Summary of evidence. With respect to the necessity for making allotments, the government witness stated that Puerto Rican refiners are at present equipped to produce approximately 450,000 short tons of direct-consumption sugar. The 126,033 short tons of such sugar which may be marketed in the continental United States, together with the total local quota, should it be filled entirely with refined sugar, is well below the capacity of these refiners (Jan. 27, 1950, R. 5). In view of this situation the Secretary of Agriculture found that allotments are necessary to prevent disorderly marketing and to assure each refiner its fair share of the continental market for Puerto Rican direct-consumption sugar (Jan. 27, 1950, R. 4). This testimony on the necessity for allotments in 1950 was not controverted by any witness.

On January 27, 1950, the government witness proposed a method of allotment conforming to the decision of the U. S. Circuit Court of Appeals for the District of Columbia in the case of Central Roig Refining Co. et al., v. Secretary of Agriculture which was then under review by the Supreme Court (Jan. 27, 1950, R. 6). The Supreme Court having reversed the lower court on February 6, 1950, the government witness on February 28, 1950, proposed a new method of allotment which was deemed consonant with the opinion of the Supreme Court and which would provide a fair, efficient, and equitable distribution of such quota (Feb. 28, 1950, R. 3–4).

This new proposal was that the 126,033 short tons, raw value, (except for a small unallotted reserve approximating the marketings of Puerto Rican raw sugar for direct consumption in the continental United States in 1949) be allotted on the basis of:

(1) Past marketings, to be measured by each refiner's average marketings in the continental United States during the four years 1940, 1941, 1948 and 1949;

(2) Ability to market, to be measured by the largest quantity marketed by each refiner in any one year during the period 1935–49; and

(3) The foregoing factors to be weighted equally (Feb. 28, 1950, R. 5).

Processings of sugar from sugarcane to which proportionate shares pertained, the government witness stated, was excluded from the proposal after full and careful consideration. The principal reason for not including this factor was that the Puerto Rican refiners who market over 90 percent of the direct-consumption quota do not process sugar directly from sugarcane (Feb. 28, 1950, R. 5).

The witness stated that the years 1940, 1941, 1948 and 1949 were used to measure past marketings because (1) marketings in 1940 were unrestricted; (2) marketings in 1941 were distributed among the interested persons by agreement of all of them, and (3) 1948 and 1949 are the most recent years and marketings in these years were under allotments established by the Secretary as "fair, efficient and equitable". The years 1942–47 were excluded because the wartime shipping difficulties, government procurement restrictions and other wartime dislocations made these years unrepresentative of past marketings (Feb. 28, 1950, R. 6, 7). The years prior to 1940 were excluded because of the desire to use as recent a history as reasonably possible (Feb. 28, 1950, R. 21).

Referring to the measure of ability, the government witness testified that performance during any year of the full fifteen year period, 1935–49, should be recognized because (1) no single year afforded all refiners equal opportunity to

demonstrate their ability, (2) high performance should not be overlooked merely because it was obtained under "abnormal" wartime conditions, and (3) there has been no loss of plant capacity since 1935 (Feb. 28, 1950, R. 7–8).

At the hearing on January 27, 1950, the witness for Western Sugar Refinery, Inc., submitted two alternative proposals (Jan. 27, 1950, R. 43–54), which were concurred in by the witness for Central Roig Refining Company (Jan. 27, 1950, R. 62). The first of these proposals was developed as follows: (1) Hypothetical allotments for 1948 were computed on the basis of 45 percent weight to "Ability to market", measured by marketings in 1947; 45 percent weight to "Past marketings", measured by average marketings 1942 to 1947 and 10 percent weight to "Proportionate shares", as measured by the quantity of refined sugar produced from raw sugar produced by the allottee or purchased from affiliated raw mills but excluding refined sugar produced from raw sugar purchased from independent raw mills (Jan. 27, 1950, Ex. 7–B); (2) assuming marketings in 1948 equal to these hypothetical allotments, hypothetical 1949 allotments were computed using the same formula but substituting 1948 for 1947 as the measure of ability and proportionate shares and 1948 for 1942 in the measure of past marketings; (3) proposed 1950 allotments were calculated assuming the hypothetical allotments for 1948 and 1949 to represent marketings for those years and extending the formula one additional year in the manner indicated in (2) above (Jan. 27, 1950, Ex. 7–A).

The second proposal of Western would establish allotments for 1950 equal to the hypothetical allotments for 1948 outlined in (1) above, except that in the computation submitted for the records, Central Guanica is not considered as a prospective allottee (Jan. 27, 1950, Ex. 8).

On February 28, 1950, the witness for Western Sugar Refinery, Inc., proposed (Feb. 28, 1950, R. 60) that marketings in 1946 and 1947, or at least the better of the two for each refiner be added to the measure of past marketings in the new government proposal, or that the ten years, 1940–49, be used to measure past marketings. He also urged that some weight be given to the proportionate shares standard.

As an alternative, he proposed that no allotment of the quota be made.

The witness for Porto Rican American Refinery, Inc., on January 27, 1950 (R. 65), made certain proposals which were withdrawn on February 28, 1950, and three new proposals were submitted (R. 42–45). All of these proposals (Feb. 28, 1950, Ex. 7–A, 7–B, 7–C) would give equal weighting to the factors "Ability" and "Past Marketings". Two of them (Ex. 7–A and 7–B) use the highest single year of marketings, 1935–49, inclusive, as the measure of ability to market. The third one (Ex. 7–C) excludes the years 1942–47 from this period in measuring ability. All three proposals use the average of the highest five years of marketings for each refiner in the years 1935–41 and 1948–49 as the measure of past marketings.

Basis of allotment. Section 205 (a) of the act reads in pertinent part as follows:

> * * * Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processings of sugar or liquid sugar from sugar beets or sugarcane to which proportionate shares, determined pursuant to the provisions of subsection (b) of section 302, pertained; the past marketings or importations of each such person; and the ability of such person to market or import that portion of such quota or proration thereof allotted to him. * * *

The standard "processings of sugar from sugarcane to which proportionate shares pertained" was not given a percental weight in the allotment of the direct-consumption portion of the 1948 Puerto Rican sugar quota (Puerto Rico Sugar Order No. 18) and on February 6, 1950, the Supreme Court of the United States, in the case of Secretary of Agriculture v. Central Roig Refining Company et al. held that this standard need not be quantitatively reflected in the final allotment formula. Puerto Rican refiners who market over 90 percent of the direct-consumption portion of the quota do not process sugar directly from sugarcane (Feb. 28, 1950, R. 5). On the other hand, all of the raw sugar mills in Puerto Rico do process sugar directly from sugarcane, but a great majority of these mills do not make refined sugar for shipment to the United States for use as direct-consumption sugar (Puerto Rico Sugar Order No. 18; Dec. 18, 1947, R. 255). In view of these circumstances, and in order to provide a fair, efficient, and equitable distribution of that portion of the quota, the standard "processings of sugar * * * from * * * sugarcane to which proportionate shares * * * pertained" has been given no weight in determining this allotment while the other standards specified in the act, namely "past marketings" and "ability to market" have been applied and given equal weight in order to provide "fair, efficient, and equitable distribution" of that portion of the quota to be allotted.

For measuring past marketings, it is desirable to select a period which may be considered representative and fair and equitable for each refiner in Puerto Rico. This would require exclusion of years in which highly unusual marketing and production conditions prevailed, particularly those in which various refiners were affected differently. The period 1942–47, inclusive, was one of great abnormality for the sugar industry in Puerto Rico and, therefore, these years are not representative for past marketings (Puerto Rico Sugar Order 18; Feb. 28, 1950, R. 6). The years 1940, 1941, 1948 and 1949 are the most recent years considered to constitute a representative period and it is believed that the use of each refiner's average marketings in these years will afford a fair, efficient, and equitable measure of past marketings.

In determining ability to market, the actual performance as reflected in shipments of direct-consumption sugar to the continental United States is considered the best and most practical measure. Marketings during a single year properly selected is an adequate measure, but if the same year is selected for all refiners such year may not, for circumstances peculiar to individual companies, properly reflect ability of all refiners. On the other hand it is believed that if a refiner is permitted to select its best single year's performance during an extended period it would have had adequate opportunity to demonstrate its ability. This method would recognize demonstrated ability, and if a comparison with present plant capacity shows no impairment in ability, such performance is a reasonable measure. Therefore, the best single year's performance during the past 15 years is deemed to afford a fair and equitable measure of the ability of each refiner to market direct-consumption sugar in the continental United States.

During the calendar year 1949, a total of 817 short tons of Puerto Rican raw sugar was marketed for direct-consumption in the continental United States. It is not considered practicable to allot this small quantity to the numerous raw sugar mills. Such an allotment would disrupt customary trade practices and interfere with the efficient distribution of such sugar. Therefore, 900 short tons have been set aside as a reserve for the marketings of such sugar.

Findings. On the basis of the record of the hearing, I hereby find that:

1. The potential capacity of Puerto Rican refiners to produce direct-consumption sugar during the calendar year 1950 is approximately 450,000 short tons.

2. The amount of direct-consumption sugar which Puerto Rican refiners are equipped to produce in 1950 is more than twice the sum of the quantity of direct-consumption sugar which may be brought into the continental United States during 1950 and the quantity needed for local consumption in Puerto Rico during 1950.

3. The use of the proportionate shares standard, so as to be quantitatively reflected in the final allotment formula, would not result in fair, efficient and equitable allotments.

4. Due to wartime shipping difficulties, Government procurement programs and restrictions, and other wartime dislocations, the years 1942–1947, inclusive, are unrepresentative of past marketing history of Puerto Rican refiners and the use of such years would not result in a fair, efficient, and equitable distribution of the direct-consumption portion of the Puerto Rican sugar quota.

5. The best measure of the past marketings standard for each refiner is the average marketings of direct-consumption sugar in the continental United States during the years 1940, 1941, 1948, and 1949. Such marketings are shown in column 1 of the table below.

6. The best available measure of the ability standard for each refiner is the largest quantity of direct-consumption sugar marketed in the continental United States during any calendar year during the period 1935–49, inclusive, and the ability thus measured is within the

present plant capacity of each refiner. Such marketings are shown in column 2 of the table below.

7. A small part of the direct-consumption portion of the Puerto Rican sugar quota is normally marketed in the continental United States as raw sugar for direct consumption. The quantity brought in during 1949 was 817 short tons, and 900 short tons is sufficient for 1950.

8. South Porto Rico Sugar Company of Puerto Rico and Compania Azucarera del Camuy, Inc., will not market direct-consumption sugar in the continental United States in 1950 (Feb. 28, 1950, R. 9) and therefore no allotments are made to them.

MARKETINGS OF REFINED AND TURBINADO SUGAR IN THE CONTINENTAL UNITED STATES

[Short tons, raw value]

Refiner	Average 1940-41, 1945-49 (1)	Highest year, 1935-49 (2)
Arturo Lluberas, Estate of, y Sobrinos (San Francisco)	1,256	2,590
Central Aguirre Sugar Co., a trust	3,940	10,640
Central Roig Refining Co	21,554	28,665
Porto Rican American Refinery, Inc	84,811	116,611
Western Sugar Refining Co	18,930	29,988
Total	130,491	188,494

Conclusions. On the basis of the foregoing and after the consideration of the record and the briefs submitted by interested persons following the hearing, I hereby determine and conclude that (1) the allotment of the direct-consumption portion of the 1950 sugar quota for Puerto Rico is necessary to prevent disorderly marketing of such sugar and to afford all interested persons an equitable opportunity to market such sugar in the continental United States; (2) in order to make a fair, efficient, and equitable distribution of the direct-consumtion portion of such quota, as required by section 205 (a) of the act, allotments should be made giving no weight to the proportionate shares standard and giving equal weighting to past marketings, measured by the annual average of such marketings in the continental United States by each refiner during the years 1940, 1941, 1948 and 1949, and ability to market, measured by the largest marketings of direct-consumption sugar in the continental United States by each refiner during any calendar year, 1935–1949, inclusive; and (3) an unallotted reserve of 900 short tons of sugar, raw value, should be set aside for persons who market raw sugar in the continental United States for direct consumption.

Order. Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, it is hereby ordered:

§ 814.4 *Allotment of the direct-consumption portion of 1950 sugar quota for Puerto Rico*—(a) *Allotments.* The direct-consumption portion of the 1950 sugar quota for Puerto Rico (126,033 short tons, raw value) is hereby allotted as follows:

Refiner	Direct-consumption allotment (short tons, raw value)
Arturo Lluberas, Estate of y Sobrinos (San Francisco)	1,461
Central Aguirre Sugar Co., a trust	5,421
Central Roig Refining Co	19,850
Porto Rican American Refinery, Inc	79,371
Western Sugar Refining Co	19,030
Total	125,133
Unallotted reserve for marketing of raw sugar for direct consumption	900
	126,033

(b) *Restrictions on shipment.* Each allottee named in paragraph (a) of this section is hereby prohibited from bringing into the continental United States, for consumption therein, during the calendar year 1950 any direct-consumption sugar from Puerto Rico (except such amount of raw sugar as may be marketed within the unallotted reserve) in excess of the allotment therefor established in paragraph (a) of this section.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup., 1153. Interprets or applies sec. 205, 61 Stat. 926; 7 U. S. C. Sup., 1115)

Done at Washington, D. C. this 14th day of April 1950. Witness my hand and seal of the Department of Agriculture.

[SEAL] CHARLES F. BRANNAN, *Secretary of Agriculture.*

[F. R. Doc. 50-3320; Filed, Apr. 19, 1950; 8:50 a. m.]

1587 1588

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 5338]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

NATIONAL MODES, INC., ET AL.

Subpart — *Discriminating in price under sec. 2, Clayton Act, as amended—Payment or acceptance of commissions, brokerage or other compensation under 2 (c): § 3.800 Buyer's agents; § 3.805 Buyers' associations.* (1) In or in connection with sale of women's wearing apparel and accessories, or other merchandise in commerce, and on the part of eleven concerns engaged in the manufacture and sale of such products (joined both in their individual and representative capacity), paying or granting to any buyer, or to any agent, representative, or other intermediary acting for or in behalf, or subject to the direct or indirect control of any such buyer, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, on sales for such buyer's own accounts; and (2), in or in connection with the purchase of such products in commerce, and on the part of the intermediary respondents, namely, National Modes, Inc., and National Modes Holding Corporation, their officers, etc., and respondent John Block, and his agents, etc., receiving or accepting, directly or indirectly, from any seller anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon any purchase in connection with which such intermediary respondent acts for, or in behalf, or subject to the direct or indirect control of the buyer; and (3), in or in connection with the purchase of such products in commerce, and on the part of thirteen buyer respondents, retailers of women's apparel (joined in their individual and representative capacity), and their respective officers, etc., and on the part of all other past, present or future stockholders in any of the aforesaid intermediary respondents, and their officers, etc., receiving or accepting from any seller, or from any agent, representative, or other intermediary acting for or in behalf or subject to the direct or indirect control of said buyer respondents, in the form of money or credits or in the form of services or benefits provided or furnished, or otherwise, any commission, brokerage, or other compensation, allowance or discount in lieu thereof, upon purchases for their own accounts; prohibited.

(Sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, National Modes, Inc., et al., Docket 5338, February 3, 1950]

In the matter of National Modes, Inc., a corporation; National Modes Holding Corporation, a corporation; John Block, an individual; Hyman Schreier and Ethel Schreier, his wife, a partnership trading as H. Schreier Co.; Junior Deb Coat & Suit Company, Inc., a corporation; Eclipse Knitting Mills, Inc., a corporation; Morris W. Haft & Bros., Inc., a corporation; Grossman & Spiegel, Inc., a corporation; Charles Hymen, Inc., a corporation; Junior Guild Frocks, Inc., a corporation; Godett & Gross, Inc., a corporation; Henry Rosenfeld, Inc., a corporation; Henlo Sportswear, Ltd., a corporation; Fred Perlberg, Inc., a corporation; Shelton Coat Corporation, a corporation; Babs Junior, Inc., a corporation; Shipman & Baker, Inc., a corporation; Rubin-Feld, Inc., a corporation; Arnold Constable & Company, a corporation; Auerbach Company, a corporation; Best's Apparel, Inc., a corporation; Fowler, Dick and Walker, a corporation; Gimbel Brothers, Inc., a corporation; Hale Bros. Stores, Inc., a corporation; A. Harris & Company, a corporation; the Hecht Company, a corporation; Popular Dry Goods Company, a corporation; Ames & Brownley, Inc., a corporation; Dalton Company, a corporation; King's, Inc., a corporation; Ogus, Rabinovich & Ogus, Inc., a corporation; J. W. Scarbrough and L. Scarbrough, a partnership trading as E. M. Scarbrough & Sons.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answers of the respondents, stipulation as to the facts executed by and between Everette MacIntyre, Assistant Chief Trial Counsel of the Commission, and each of the respondents except Charles Hymen Dresses, Inc. (named in the complaint as Charles Hymen, Inc.), Henlo Sportswear, Ltd., Babs Junior, Inc., Rubin-Feld, Inc., and Gimbel Brothers, Inc., in which it was provided, among other things, that subject to the approval of the Commission the statement of facts contained therein, which were exclusively in sup-

port of and in opposition to the charges in Count I of said complaint, may be taken as the facts in this proceeding in lieu of all testimony in support of and in opposition to the charges made in both counts of said complaint and that the Commission may proceed upon such statement of facts to make its report, stating its findings as to the facts (including inferences which may be drawn from said stipulated facts) and its conclusion based thereon, and enter its order disposing of this proceeding, without the presentation of arguments or the filing of briefs; and the Commission having approved each said stipuation as to the facts and having made its findings as to the facts and its conclusion that the respondents have violated the provisions of subsection (c) of section 2 of an act of Congress entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (the Clayton Act), as amended by an act of Congress approved June 19, 1936 (the Robinson-Patman Act):

(1) *It is ordered*, That the seller respondents Hyman Schreier and Ethel Schreier, individually and partners trading as H. Schreier Co., or trading under any other name, and their respective agents, representatives, and employees, and Junior Deb Coat & Suit Company, Inc., Eclipse Knitting Mills, Inc., Morris W. Haft & Bros., Inc., Grossman & Spiegel, Inc., Junior Guild Frocks, Inc., Godett & Gross, Inc., Henry Rosenfeld, Inc., Fred Perlberg, Inc., Shelton Coat Corporation, and Shipman & Baker, Inc., corporations, and their respective officers, directors, agents, representatives, and employees, directly or through any corporate or other device, in or in connection with the sale of women's wearing apparel and accessories, or other merchandise, in commerce as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

Paying or granting to any buyer, or to any agent, representative, or other intermediary acting for or in behalf, or subject to the direct or indirect control of any such buyer, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, on sales for such buyer's own account.

(2) *It is further ordered*, That the intermediary respondents National Modes, Inc., National Modes Holding Corporation, corporations, their officers, directors, agents, representatives, and employees, and John Block, individually, and his agents, representatives, and employees, directly or through any corporate or other device, in or in connection with the purchase of women's wearing apparel and accessories, or other merchandise, in commerce as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

Receiving or accepting, directly or indirectly, from any seller anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon any purchase in connection with which such intermediary respondent acts for, or in behalf, or subject to the direct or indirect control of the buyer.

(b) Transmitting, paying, or granting, directly or indirectly, in the form of money or credits or in the form of services or benefits provided or furnished, or otherwise, to any buyer any commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, received on such buyer's purchases.

(3) *It is further ordered*, That the buyer respondents Arnold Constable & Company, Auerbach Company, Best's Apparel, Inc., Fowler, Dick and Walker, Hale Bros. Stores, Inc., A. Harris & Company, the Hecht Company, Popular Dry Goods Company, Ames & Brownley, Inc., Dalton Company, King's, Inc., and Ogus, Rabinovich & Ogus, Inc., corporations, their respective officers, directors, agents, representatives, and employees, and J. W. Scarbrough and L. Scarbrough, individually and partners trading as E. M. Scarbrough & Sons, or trading under any other name, their agents, representatives and employees, and all other past, present, or future stockholders in any of the intermediary respondents named in paragraph (2) hereof, and their officers, directors, agents, representatives, and employees, directly or through any corporate or other device, in or in connection with the purchase of women's wearing apparel and accessories, or other merchandise, in commerce as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

Receiving or accepting from any seller, or from any agent, representative, or other intermediary acting for or in behalf or subject to the direct or indirect control of said buyer respondents, in the form of money or credits or in the form of services or benefits provided or furnished, or otherwise, any commission, brokerage, or other compensation, or allowance or discount in lieu thereof, upon purchases for their own accounts.

(4) *It is further ordered*, That the complaint herein as to Charles Hymen Dresses, Inc. (named in the complaint as Charles Hymen, Inc.), Henlo Sportswear, Ltd., Babs Junior, Inc., and Rubin-Feld, Inc., be, and the same hereby is, dismissed.

(5) *It is further ordered*, That the complaint herein as to Gimbel Brothers, Inc., a corporation, in its capacity as a named party respondent herein (but not in its capacity as a respondent herein by virtue of its being a member of a class consisting of past, present, and future stockholders in any of the intermediary respondents named in paragraph (2) hereof, which class is represented by the buyer respondents named in paragraph (3) hereof), be, and the same hereby is, dismissed without prejudice to the right of the Commission to institute such further proceedings as may be warranted by the facts.

(6) *It is further ordered*, That the charges in Count II of the complaint herein be, and the same hereby are, dismissed.

(7) *It is further ordered*, That each of the respondents herein except those as to whom the complaint is dismissed, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

Issued: February 3, 1950.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 50-3296; Filed, Apr. 19, 1950; 8:46 a. m.]

1589-1590

[Docket 5453]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

ARLENE WEBER ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.15 *Business status, advantages, or connections—Authorized distributor; bonded business; history; personnel or staff; plant and equipment.* Subpart—*Using misleading name—Vendor:* § 3.2435 *Personnel or staff;* § 3.2440 *Plant and equipment.* In connection with the offering for sale, sale or distribution in commerce, of lessons or courses of study in typewriter repairing, and among other things, as in order set forth, (1) using the word "school", or any other word or term of similar import or meaning, as a part of the name or trade designation under which the respondent conducts her business; or otherwise representing, directly or by implication, that the respondent employs a faculty of teachers or that she maintains facilities for the supervision of a course of study or for review of the work of a purchaser of such course or for the testing of such purchaser's proficiency in any of the subjects covered; or, (2) representing, directly or by implication, that the respondent has operated a typewriter or supply business for over twenty years, or for any period of time greater than that during which she has actually been in business, or that the respondent is a factory bonded distributor; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Arlene Weber et al., trading as Weber Typewriter Mechanics School, Docket 5453, February 8, 1950]

Subpart—*Advertising falsely or misleading:* § 3.55 *Demand or business opportunities;* § 3.115 *Jobs and employment service;* § 3.135 *Nature—Product or service;* § 3.170 *Qualities or properties of product or service;* § 3.190 *Results;* § 3.205 *Scientific or other relevant facts.* Subpart—*Misrepresenting oneself and goods—Business status, advantages or connections:* § 3.1515 *Organization and operation; Misrepresenting oneself and goods—Goods;* § 3.1670 *Jobs and employment;* § 3.1730 *Results.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal;* § 3.1995 *Job guarantee and employment;* § 3.2015 *Opportunities in product or service.* In connection with the offering for sale, sale or distribution in commerce, of lessons or courses of study in typewriter repairing, and among other things, as in order set forth, (1) representing, through the issuance of so-called diplo-

mas, or by any other means, that a purchaser of the respondent's course of study has completed the lessons comprising such course, or that he has been tested or has passed examinations therein, or that such purchaser, even if he has completed the lessons comprising such course, is thereby qualified to become or is assured of employment by a typewriter dealer or service man; or, (2) representing, directly or by implication, that the lessons offered for sale by the respondent constitute a simple or practical home-study course which may be mastered by correspondence; that any person other than one with previous mechanical experience or one who has demonstrated an aptitude for mechanics is qualified to occupy a position as typewriter repair man; or that a purchaser of the respondent's course of study will acquire therefrom the equivalent of twenty years, or any other number of years, experience in typewriter repair work or obtain any secrets not available to the average experienced typewriter repair man; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Arlene Weber et al., trading as Weber Typewriter Mechanics School, Docket 5453, February 8, 1950]

Subpart—*Advertising falsely or misleadingly:* § 3.55 *Demand or business opportunities;* § 3.60 *Earnings;* § 3.90 *History of product or offering;* § 3.135 *Nature—Product or service;* § 3.205 *Scientific or other relevant facts;* § 3.275 *Undertakings, in general.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 3.1935 *Earnings;* § 3.2015 *Opportunities in product or service;* § 3.2090 *Undertakings in general.* In connection with the offering for sale, sale or distribution in commerce, of lessons or courses of study in typewriter repairing, and among other things, as in order set forth, (1) representing, directly or by implication, that tracings or drawings sent to the respondent by purchasers of her course of study will be reviewed, criticized or commented upon by the respondent or by any other person, or that the machine used as a model upon which the lessons comprising the respondent's course of study are based was constructed by engineers from all of the leading typewriter manufacturers, or that such model includes the mechanical principles of all makes of typewriters; (2) representing, directly or by implication, that purchasers of the respondent's course of study are eligible for or entitled to receive wholesale prices on machines, parts, tools, gasoline or tires; (3) representing, directly or by implication, that the purchasers of the respondent's course of study will be furnished the names of companies from which they may purchase as dealers new or rebuilt typewriters, or that the resonent will make arrangements with manufacturers which will establish such purchasers as authorized dealers in typewriters; or, (4) representing as possible earnings or profits of individuals completing the respondent's course of study any specified sum of money which is not a true representation of the average net earnings consistently made by individuals who have completed such course over substantial periods of time under normal conditions and circumstances; prohibited.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Arlene Weber et al., trading as Weber Typewriter Mechanics School, Docket 5453, February 8, 1950]

In the matter of Arlene Weber, Letha Weber, Donald Weber, and Harrison Weber, individually and trading under the firm name and style of Weber Typewriter Mechanics School.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the respondents' answer thereto, certain testimony introduced before a trial examiner of the Commission theretofore duly designated by it, the trial examiner's recommended decision, and brief in support of the complaint (no brief having been filed on behalf of the respondents and oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that the respondent, Letha Weber, has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Letha Weber, individually and trading under the name or trade designation Weber Typewriter Mechanics School, or trading under any other name or trade designation, and said respondent's agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of lessons or courses of study in typewriter repairing, do forthwith cease and desist from:

1. Using the word "School", or any other word or term of similar import or meaning, as a part of the name or trade designation under which the respondent conducts her business; or otherwise representing, directly or by implication, that the respondent employs a faculty of teachers or that she maintains facilities for the supervision of a course of study or for review of the work of a purchaser of such course or for the testing of such purchaser's proficiency in any of the subjects covered;

2. Representing, directly or by implication, that the respondent has operated a typewriter or supply business for over twenty years, or for any period of time greater than that during which she has actually been in business, or that the respondent is a factory bonded distributor;

3. Representing, through the issuance of so-called diplomas, or by any other means, that a purchaser of the respondent's course of study has completed the lessons comprising such course, or that he has been tested or has passed examinations therein, or that such purchaser, even if he has completed the lessons comprising such course, is thereby qualified to become or is assured of employment by a typewriter dealer or service man;

4. Representing, directly or by implication, that the lessons offered for sale by the respondent constitute a simple or practical home-study course which may be mastered by correspondence; that any person other than one with previous mechanical experience or one who has demonstrated an aptitude for mechanics is qualified to occupy a position as typewriter repair man; or that a purchaser of the respondent's course of study will acquire therefrom the equivalent of twenty years, or any other number of years, experience in typewriter repair work or obtain any secrets not available to the average experienced typewriter repair man;

5. Representing, directly or by implication, that tracings or drawings sent to the respondent by purchasers of her course of study will be reviewed, criticized or commented upon by the respondent or by any other person, or that the machine used as a model upon which the lessons comprising the respondent's course of study are based was constructed by engineers from all of the leading typewriter manufacturers, or that such model includes the mechanical principles of all makes of typewriters;

6. Representing, directly or by implication, that purchasers of the respondent's course of study are eligible for or entitled to receive wholesale prices on machines, parts, tools, gasoline or tires;

7. Representing, directly or by implication, that the purchasers of the respondent's course of study will be furnished the names of companies from which they may purchase as dealers new or rebuilt typewriters, or that the respondent will make arrangements with manufacturers which will establish such purchasers as authorized dealers in typewriters;

8. Representing as possible earnings or profits of individuals completing the respondent's course of study any specified sum of money which is not a true representation of the average net earnings consistently made by individuals who have completed such course over substantial periods of time under normal conditions and circumstances.

It is further ordered, For the reasons set forth in the Commission's findings as to the facts in this proceeding, that the complaint herein be, and it hereby is, dismissed as to the respondents Arline Weber, Donald Weber and Harrison Weber.

It is further ordered, That the respondent, Letha Weber, shall, within sixty (60) days after service upon her of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which she has complied with this order.

Issued: February 8, 1950.

By the Commission.

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 50-3209; Filed, Apr. 19, 1950; 8:46 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

Subchapter C—Explosives and Related Articles; Tests for Permissibility and Suitability

PART 16—STEMMING DEVICES

Correction

In Federal Register Document 50–3145, published at page 2084 of the issue for Thursday, April 13, 1950, the third sentence of the second paragraph of § 16.10 should read "The primer thus fills entirely the back of the borehole with no air spaces."

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART B—EDUCATION AND TRAINING

Correction

In Federal Register document 50–3125, appearing at page 2101 of the issue for Friday, April 14, 1950, the reference to "§ 21.281" in the third line of § 21.281 (a) (2) should read "§ 21.282".

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 35—PROVISIONS APPLICABLE TO THE SEVERAL CLASSES OF MAIL MATTER

LIVE DAY-OLD CHICKS

Section 35.24 *Live day-old chicks* (39 CFR 35.24; 15 F. R. 82, as amended) is amended by the addition of paragraph (g) to read as follows:

(g) Day-old chicks vaccinated with Newcastle Disease are classed as nonmailable if a live virus vaccination has been used (applied intra-nasally) since this disease is considered infectious. It is understood that the chicks could be vaccinated after arriving at the destination instead of at the hatchery.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25, 62 Stat. 781; 5 U. S. C. 22, 369, 18 U. S. C. 1716)

[SEAL] J. M. DONALDSON, *Postmaster General.*

[F. R. Doc. 50-3307; Filed, Apr. 19, 1950; 8:48 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[No. 10122]

PART 139—STANDARD TIME ZONE BOUNDARIES

STANDARD TIME ZONE INVESTIGATION

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 14th day of April A. D. 1950.

It appearing, that by report and order dated October 24, 1918, (51 I. C. C. 273; 49 CFR 139), the Commission defined the limits of the various time zones throughout the United States created by the act of Congress entitled "an act to Save Daylight and to provide Standard Time", approved March 19, 1918 (40 Stat. 450; 15 U. S. C. 261–265), and that said limits were restated and redefined in the sixteenth supplemental report and order in this investigation, dated May 19, 1928, (142 I. C. C. 279; 49 CFR 139);

It further appearing, that upon petition of the Atchison, Topeka & Santa Fe Railway Company for a modification of orders entered herein by the extension of the United States Standard Mountain Time Zone so as to include the entire State of Arizona, and to except for operating purposes only that portion of the petitioner's line in the State of California west of the Colorado River to, but not including, Needles, Calif., the proceeding was reopened for consideration;

And it further appearing, that notice of proposed modification of the outstanding orders in this proceeding was given in 15 F. R. 691, pursuant to section 4 (a) of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1003), and that a full investigation of the matters and things involved has been made, and that the said division, on the date hereof, has made and filed its thirty-second supplemental report in the above-entitled proceeding, containing its findings of fact and conclusions thereon, which said thirty-second supplemental report is hereby referred to and made a part hereof:

It is ordered, That the said order of October 24, 1918, as subsequently amended, as restated in the said order of May 19, 1928, and corresponding sections of the Code of Federal Regulations (49 CFR 139), are hereby amended as follows:

In § 139.7 *Boundary line between Mountain and Pacific Zones*, paragraphs (c) and (d) are amended as follows:

1. Paragraph (c) is amended to read as follows:

(c) *Arizona.* From the southwest corner of the State of Utah thence along the west line of the State of Arizona and the Colorado River to the boundary between the United States and Mexico, crossing in said course the Atchison, Topeka and Santa Fe Railway west of Topock, Ariz., and again west of Parker, Ariz., and the Southern Pacific Railway west of Yuma, Ariz.

2. In paragraph (d) *Operating exceptions*, subparagraph (2) *Lines west of the boundary included in Mountain zone*, is amended by adding the following exception:

Name of railroad	From—	To—
Atchison, Topeka & Santa Fe.	Colorado River.	Southern limits of Needles, Calif.

It is further ordered, That the changes and additions required hereby shall become effective at 2 o'clock ante meridian, April 30, 1950.

And it is further ordered, That notice to the general public shall be given by depositing a copy of this order in the office of the Secretary of the Commission for public inspection and by filing a copy with the Director, Division of the Federal Register.

(Secs. 1, 2, 4, 40 Stat. 450, 451, sec. 1, 41 Stat. 1446, 42 Stat. 1434; 15 U. S. C. 261–265)

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-3331; Filed, Apr. 19, 1950; 8:52 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 29]

TOBACCO INSPECTION

ANNOUNCEMENT OF REFERENDA IN CONNECTION WITH PROPOSED DESIGNATION UNDER TOBACCO INSPECTION ACT OF TOBACCO AUCTION MARKETS OF FRANKLIN, RUSSELLVILLE, AND SCOTTSVILLE, KY.

Pursuant to the authority vested in the Secretary of Agriculture by The Tobacco Inspection Act (7 U. S. C. 511 et seq.) and in accordance with the applicable regulations (13 F. R. 9474–9479) issued thereunder by the Secretary, notice is given that (1) a referendum of tobacco growers will be conducted from May 11 through May 13, 1950, to determine whether growers favor the designation of the Franklin, Kentucky, tobacco auction market for free and mandatory inspection of tobacco sold thereon, (2) a referendum of tobacco growers will be conducted from May 11 through May 13, 1950, to determine whether growers favor the designation of the Russellville, Kentucky, tobacco auction market for free and mandatory inspection of tobacco sold thereon, and (3) a referendum of tobacco growers will be conducted from May 11 through May 13, 1950, to determine whether growers favor the designation of the Scottsville, Kentucky, tobacco auction market for free and mandatory inspection of tobacco sold thereon.

Growers who sold tobacco on the aforesaid markets during the 1949–50 marketing season shall be eligible to vote in the referendum relevant to the market on which their sales were accomplished. Ballots for use in said referenda will be mailed to all eligible voters insofar as their names and addresses are known. Eligible voters who do not

receive ballots by mail may obtain them from the county agent or the office of the county PMA committee at the above points.

All completed ballots shall be mailed to the Tobacco Branch, Production and Marketing Administration, United States Department of Agriculture, P. O. Box 480, Louisville, Kentucky, and, in order to be counted in said referendum, must be postmarked not later than midnight, May 13, 1950.

Issued this 14th day of April 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-3316; Filed, Apr. 19, 1950; 8:50 a. m.]

[7 CFR, Part 52]

FROZEN BROCCOLI

U. S. STANDARDS FOR GRADES[1]

Notice is hereby given that the United States Department of Agriculture is considering the revision, as herein proposed, of the current United States Standards for Grades of Frozen Broccoli, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1950 (Pub. Law 146, 81st Cong., approved June 29, 1949). This revision, if made effective, will be the second issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file the same, in duplicate, with the Chief, Processed Products Standardization and Inspection Division, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed revision is as follows:

§ 52.194 *Frozen broccoli.* "Frozen broccoli" is prepared from the fresh, headed stalks or shoots of the broccoli plant (Brassica oleracea botrytis) by trimming, washing, and blanching and is frozen and stored at temperatures necessary for preservation of the product.

(a) *Styles of frozen broccoli.* (1) "Stalks" is the style that consists of the head and adjoining portions of the stem and attached leaves. Stalks that are cut longitudinally (including, but not limited to, quarters or halves) are considered as this style.

(2) "Cuts" or "Cut Broccoli" is the style that consists of portions cut from stalks with not less than 35 percent by weight of head material.[2]

(3) "Pieces" is the style that consists of any cut portions of stalks and that does not meet the foregoing definition for "Cuts" or "Cut Broccoli."

(4) "Head material" consists of buds or bud clusters whether or not attached to a stalk or portion of a stalk.

(b) *Grades of frozen broccoli.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen broccoli that possesses similar varietal characteristics; that possesses a good flavor and odor; that possesses a good color; that is practically free from defects; that possesses good character; and that scores not less than 85 points when scored in accordance with the scoring system outlined in this section. In addition to the foregoing requirements, frozen broccoli of this grade meets the following requirements for the respective style:

(i) *Stalks.* In the 90 percent, by count, of stalks which have the most uniform lengths, the length of the longest stalk does not exceed the length of the shortest stalk by more than 1½ inches; and the diameter of the stalk with the greatest diameter does not exceed the diameter of the stalk with the shortest diameter by more than 1 inch; and,

(ii) *Cuts; pieces.* Not more than 5 percent, by weight, of the units are longer than 2 inches.

(2) "U. S. Grade B" or "U. S. Extra Standard" is the quality of frozen broccoli that possesses similar varietal characteristics; that possesses a normal flavor and odor; that possesses a reasonably good color; that is reasonably free from defects; that possesses a reasonably good character; and that scores not less than 70 points when scored in accordance with the scoring system outlined in this section. In addition to the foregoing requirements, frozen broccoli of this grade meets the following requirements for the respective style:

(i) *Stalks.* In the 90 percent, by count, of stalks which have the most uniform length, the length of the longest stalk does not exceed the length of the shortest stalk by more than 2 inches; and,

(ii) *Cuts; pieces.* Not more than 10 percent, by weight, of the units are longer than 2½ inches.

(3) "U. S. Grade D" or "Substandard" is the quality of frozen broccoli that fails to meet the requirements of U. S. Grade B or U. S. Extra Standard.

(c) *Ascertaining the grade.* (1) The grade of frozen broccoli may be ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors of color, uniformity of size, absence of defects, and character.

(2) The relative importance of each factor is expressed numerically on the scale of 100. The maximum number of points that may be given for each factor is:

Factors	*Points*
(i) Color	20
(ii) Absence of defects	40
(iii) Character	40
Total score	100

(3) The scores for the factors of color, uniformity of size, absence of defects, and character of frozen broccoli are determined immediately after thawing so that the product is sufficiently free from ice crystals to permit handling as individual pieces. The product is cooked to determine the degree of tenderness and freedom from fiber as required under the factor of "character."

(4) "Good flavor and odor" means that the product after cooking has a good, characteristic flavor and odor and is free from objectionable flavors or objectionable odors of any kind.

(5) "Normal flavor and odor" means that the product after cooking may be lacking in good flavor and odor but is free from objectionable flavors or objectionable odors of any kind.

(6) "Diameter" of a stalk, whether or not cut longitudinally, means the greatest crosswise dimension measured one inch above the lowest portion of the main stem of the stalk at approximate right angles to the length.

(d) *Ascertaining the rating for each factor.* The essential variations within each factor are so described that the value may be ascertained for each scoring factor and expressed numerically. The numerical range within each scoring factor is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

(1) *Color.* (i) Frozen broccoli that possesses a good color may be given a score of 17 to 20 points. "Good color" means that the frozen broccoli possesses a characteristic green color which may include lighter colored areas typical of young and tender broccoli that do not materially affect the appearance of the product.

(ii) If the frozen broccoli possesses a reasonably good color, a score of 14 to 16 points may be given. Frozen broccoli that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the frozen broccoli possesses a characteristic green color which may be variable but is not off color.

(iii) Frozen broccoli that fails to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 13 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Absence of defects.* The factor of absence of defects refers to the degree of freedom from grit, harmless extraneous materials, detached fragments, loose leaves, loose pieces of leaves, and poorly trimmed stalks; and from units damaged by discoloration, mechanical injury, pathological injury, insect injury, hollow stems, stems with excessive hollow spaces, pithy stems, or damaged by other means.

(i) "Grit" means sand or other rough, hard particles of earthy sediment.

(ii) "Harmless extraneous material" means vegetable substances other than broccoli, such as weeds and grass and any portions thereof, that are harmless.

(iii) "Loose leaves and loose pieces of leaves" means leaves or pieces of leaves not attached to a unit.

(iv) "Detached fragments" means any detached portions of stalks including bud clusters, shattered material, portions of

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[2] The amount of head material is determined by averaging the weight of the head material from all containers comprising the sample, provided no single container contains less than 25 percent by weight of head material.

stems without bud cluster regardless of size or length, and portions of stems with bud clusters, which portions are 2 inches or less in the greatest straight dimension.

(v) "Poorly trimmed" means that the appearance of the stalk is seriously affected by attached leaves and by ragged or partial trimming of the leaves, by ragged or partial removal of leaves, and poor cutting of the stem of the stalk.

(vi) "Damaged" means affected by damage which, singly or in combination on a unit, materially affects the appearance or eating quality of the unit.

(vii) "Seriously damaged" means damaged to such an extent that the appearance or eating quality of the unit is seriously affected.

(viii) Frozen broccoli that is practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" has the following meanings with respect to the following styles:

(*a*) *Stalks.* No grit is present; not more than one piece of harmless extraneous material may be present for each 20 ounces of net weight; detached fragments, loose leaves, and loose pieces of leaves that do not materially affect the appearance may be present; and stalks that are poorly trimmed, damaged, or seriously damaged do not exceed 10 percent, by count, of all the stalks, but of such 10 percent, not more than one-half thereof, or not more than 5 percent by count of all the stalks, may be seriously damaged. One stalk in a single container is permitted to be poorly trimmed, damaged, or seriously damaged if such stalk exceeds the respective allowances of 10 percent or 5 percent, provided that in all containers comprising the sample such poorly trimmed, damaged, or seriously damaged stalks do not exceed an average of 10 percent, by count, but of such 10 percent average, not more than one-half thereof, or not more than an average of 5 percent, may be seriously damaged.

(*b*) *Cuts; pieces.* No grit is present; not more than one piece of harmless extraneous material may be present for each 20 ounces of net weight; loose leaves and loose pieces of leaves that do not materially affect the appearance may be present; and units that are damaged or seriously damaged do not exceed 8 percent, by weight, but of such 8 percent not more than one-half thereof, or not more than 4 percent by weight of all the units, may be seriously damaged.

(ix) If the frozen broccoli is reasonably free from defects, a score of 28 to 33 points may be given. Frozen broccoli that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" has the following meanings with respect to the following styles:

(*a*) *Stalks.* No grit is present; not more than two pieces of harmless extraneous material may be present for each 20 ounces of net weight; detached fragments, loose leaves, and loose pieces of leaves that do not materially affect the appearance may be present; and stalks that are poorly trimmed, damaged, or serious damaged do not exceed 20 percent, by count, of all the stalks, but of such 20 percent, not more than one-half thereof, or not more than 10 percent by count of all the stalks, may be seriously damaged.

(*b*) *Cuts; pieces.* No grit is present; not more than two pieces of harmless extraneous material may be present for each 20 ounces of net weight; loose leaves and loose pieces of leaves that do not materially affect the appearance may be present; and units that are damaged or seriously damaged do not exceed 16 percent, by weight, but of such 16 percent, not more than one-half thereof, or not more than 8 percent by weight of all the units, may be seriously damaged.

(x) Frozen broccoli that fails to meet the requirements of subdivision (ix) of this subparagraph may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(3) *Character.* The factor of character refers to the degree of development and to the tenderness and texture of the product.

(i) "Well developed" means that the branching bud clusters of the unit form a practically compact head, that the individual buds in the bud clusters are all practically closed, and that the immediate stems supporting the individual buds in the bud clusters show no more than slight elongation.

(ii) "Reasonably well developed" means that the branching bud clusters of the unit may be spread or spreading; that the individual buds in the bud clusters may have reached a moderate stage of enlargement but practically none of the buds are in the flowered or open stage; and that the immediate stems supporting the individual buds in the bud clusters may be moderately elongated.

(iii) After the broccoli has been tested for development and texture, the tenderness and freedom from fiber is determined. The broccoli is cooked for making the determination for the degree of tenderness and the degree of freedom from fibrous development.

(iv) Frozen broccoli that possesses a good character may be given a score of 34 to 40 points. "Good character" has the following meanings with respect to the following styles:

(*a*) *Stalks.* Not less than 80 percent, by count, of the stalks are well developed and the remainder are reasonably well developed; and all of the stalks possess a good texture and are tender.

(*b*) *Cuts; pieces.* The units are at least reasonably well developed; and the broccoli possesses a good texture and is tender.

(v) If the frozen broccoli possesses a reasonably good character, 28 to 33 points may be given. Frozen broccoli that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" has the following meanings with respect to the following styles:

(*a*) *Stalks.* Not less than 90 percent, by count, of the stalks are at least reasonably well developed; the stalks possess a reasonably good texture and are reasonably tender and none possesses a stringy fibrous development.

(*b*) *Cuts; pieces.* Not less than 95 percent, by weight, of the bud clusters of the units are at least reasonably well developed; the broccoli possesses a reasonably good texture and is reasonably tender and none of the units possess a stringy fibrous development.

(vi) Frozen broccoli that fails to meet the requirements of subdivision (v) of this subparagraph may be given a score of 0 to 27 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(e) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of frozen broccoli, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if:

(i) Not more than one-sixth of such containers fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all containers in the sample for the factor, subject to such limiting rule, is within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(f) *Score sheet for frozen broccoli.*

Size and kind of container	
Container mark of identification	
Label	
Net weight (ounces)	
Style	
Count (of stalks)	

Factors	Score points		
I. Color	20	(A) 17–20 (B) [1] 14–16 (D) [1] 0–13	
II. Absence of defects	40	(A) 34–40 (B) [1] 28–33 (D) [1] 0–27	
III. Character	40	(A) 34–40 (B) [1] 28–33 (D) [1] 0–27	
Total score	100		

Flavor and odor	
Grade	

[1] Indicates limiting rule.

Issued at Washington, D. C., this 14th day of April 1950.

[SEAL] JOHN I. THOMPSON,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 50-3318; Filed, Apr. 19, 1950; 8:50 a. m.]

[7 CFR, Part 908]

[Docket No. AO-213]

HANDLING OF IRISH POTATOES GROWN IN CALIFORNIA (EXCEPT IN MODOC AND SISKIYOU COUNTIES)

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Part 900), a public hearing was held at Bakersfield, California, on January 16–19, 1950, pursuant to notice thereof in the FEDERAL REGISTER (14 F. R. 7851), upon a proposed marketing agreement and a proposed marketing order regulating the handling of potatoes grown in California (except Modoc and Siskiyou Counties).

Upon the basis of the evidence introduced at the aforesaid hearing and the record thereof, the Acting Assistant Administrator, Production and Marketing Administration, on March 24, 1950, filed with the Hearing Clerk, United States Department of Agriculture, the recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (15 F. R. 1732).

The material issues and the findings and conclusions of the recommended decision set forth in the FEDERAL REGISTER (F. R. Doc. 50-2632; 15 F. R. 1732) are hereby approved, adopted, and incorporated herein as the material issues and the findings and conclusions of this decision as if set forth in full herein; and such findings and conclusions are supplemented to the extent hereinafter set forth.

Rulings. Exceptions to the recommended decision were filed on behalf of interested parties. Each of such exceptions was carefully and fully considered, together with the evidence in the record, in arriving at the findings and conclusions set forth herein.

Exception was taken to the initial establishment of Area 3 and Area 4 as proposed because it was urged that the so-called Palo-Verde Valley, which includes the Blythe potato acreage, should be part of Area 3 rather than Area 4 as set forth in the recommended marketing agreement and order. The record of the hearing contains numerous inquiries with respect to potato acreage in the so-called Palo-Verde Valley or Blythe sector but, beyond such inquiries, the record shows only that any potato acreage in Blythe represents new production. In this connection, there was no known potato production in this sector prior to 1948, approximately 25 acres were planted in 1948, and current plantings aggregate about 500 acres.

There is lack of adequate evidence for initially establishing the so-called Palo-Verde Valley or Blythe sector as part of Area 3 rather than Area 4; however, provision is properly made in the proposed marketing agreement and order for consideration of problems arising in connection with representation of new production on appropriate area marketing committees, or seasonal groups thereof, or the appropriate geographical regrouping of such new potato acreage in districts and areas. Joint meetings of two or more marketing committees may be called to consider reestablishment of districts, of areas, of marketing committees, or of seasonal groups, or of any combination of the foregoing. Such provision affords opportunity for producers in any or all parts of the production area to work out appropriate and effectual groupings into districts and areas and to consider the problems of new production with respect to such appropriate groupings.

The initial establishment of districts and marketing committee areas, as set forth in the recommended marketing agreement and order, accords with the specific findings and conclusions with respect to districts and areas in the recommended decision. Such findings and conclusions are adequately supported by evidence in the hearing record.

Exception was taken to some of the other findings and conclusions and certain provisions of the marketing agreement and order contained in the recommended decision. To the extent that the findings and conclusions of the marketing agreement and order contained herein are at variance with any of the exceptions pertaining thereto, such exceptions are denied for the foregoing reasons and on the basis of the findings and conclusions relating to the issues to which the exceptions refer.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Irish Potatoes Grown in California (except Modoc and Siskiyou Counties) and "Order Regulating the Handling of Irish Potatoes Grown in California (except Modoc and Siskiyou Counties," which have been decided upon as the appropriate and detailed means of effectuating the foregoing conclusions. The aforesaid marketing agreement and the aforesaid order shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the attached agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said agreement are identical with those contained in the attached order which will be published with this decision.

Done at Washington, D. C., this 14th day of April 1950.

CHARLES F. BRANNAN,
Secretary of Agriculture.

Order[1] Regulating the Handling of Irish Potatoes Grown in California (Except Modoc and Siskiyou Counties)

Sec.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

EFFECTIVE TIME AND TERMINATION

MISCELLANEOUS PROVISIONS

AUTHORITY: §§ 908.0 to 908.80 issued under 48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051.

§ 908.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended: (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051), and the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Part 900); a public hearing was held at Bakersfield, California, on January 16–19, 1950, upon a proposed marketing agreement and a proposed marketing order regulating the handling of Irish Potatoes grown in California (except Modoc and Siskiyou counties). Upon the basis of evidence introduced at such hearing, and the record thereof, it is found that:

(1) All handling of potatoes grown in the production area is either in interstate or foreign commerce or directly burdens, obstructs, or affects such commerce;

(2) The order, as hereinafter set forth, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(3) Such order regulates the handling of potatoes grown in the State of California (except Modoc and Siskiyou Counties) in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a proposed marketing agreement upon which a hearing has been held;

(4) The said order is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to any subdivision of the production area herein would not effectively carry out the declared policy of the act;

(5) The said order prescribes, so far as practicable, such different terms, applicable to different parts of such production area, as are necessary to give due recognition to the differences in the production and marketing of potatoes grown in the production area.

Order relative to handling. It is, therefore, ordered that on and after the effective time hereof the handling of potatoes, as defined in this order, shall be in conformity to and in compliance with the terms and conditions of this order; and the terms and conditions of said order are as follows:

DEFINITIONS

§ 908.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any other officer or employee of the United States Department of Agriculture who is, or may hereafter be authorized to act in his stead.

§ 908.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

§ 908.3 *Person.* "Person" means an individual, partnership, corporation, association, legal representative, or any organized group or business unit.

§ 908.4 *Production area.* "Production area" means all territory, except Modoc and Siskiyou Counties, in the State of California.

§ 908.5 *Potatoes.* "Potatoes" means all varieties of Irish potatoes grown within the production area.

§ 908.6 *Handler.* "Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of potatoes owned by another person) who prepares potatoes for market or ships potatoes.

§ 908.7 *Ship or handle.* "Ship" or "handle" means to sell, transport, or in any other way to place potatoes in the current of commerce within the production area or between the production area and any point outside thereof: *Provided,* That the movement of potatoes by the producer thereof from the field where grown to any packing shed, within designated portions of the production area, for preparation for market shall not be deemed to be handling or shipping hereunder.

§ 908.8 *Producer.* "Producer" means any person engaged in the production of potatoes for market.

§ 908.9 *Fiscal year.* "Fiscal year" means a calendar year.

§ 908.10 *Administrative committee and marketing committee.* "Administrative committee" means the California Potato Committee established pursuant to § 908.23; and "marketing committee" means each of the area potato marketing committees established pursuant to § 908.25 (a) or § 908.27 (a).

§ 908.11 *Seasonal group.* "Seasonal group" means each of the subdivisions of a marketing committee established pursuant to § 908.25 (b) or § 908.27 (b).

§ 908.12 *Varieties.* "Varieties" means all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 908.13 *Seed potatoes or seed.* "Seed potatoes" or "seed" means all potatoes officially certified and tagged, marked, or otherwise appropriately identified, under the supervision of an official seed potato certifying agency of the State of California or other agency recognized by the administrative committee and approved by the Secretary.

§ 908.14 *Table stock potatoes or table stock.* "Table stock potatoes" or "table stock" means all potatoes not included within the definition of "seed potatoes."

§ 908.15 *Pack.* "Pack" means a unit of potatoes contained in a bag, crate, or other type of container and falling within specific weight limits recommended by a marketing committee and approved by the Secretary.

§ 908.16 *Grade.* "Grade" means any one of the officially established grades of potatoes, and "size" means any one of the officially established sizes of potatoes, as defined and set forth in:

(a) The United States Standards for Potatoes issued by the Department of Agriculture (14 F. R. 1955, 2161), or amendments thereto, or modifications thereof, or variations based thereon; or

(b) United States Consumer Standards for Potatoes issued by the United States Department of Agriculture (12 F. R. 7281), or amendments thereto, or modifications thereof, or variations based thereon.

§ 908.17 *Export.* "Export" means shipment of potatoes beyond the boundaries of continental United States.

§ 908.18 *District.* "District" means each one of the geographical divisions of the production area established pursuant to § 908.24 or § 908.27 (c).

§ 908.19 *Area.* "Area" means each of the geographical subdivisions of the production area established pursuant to § 908.24 and made up of aggregations of districts or portions thereof for the purpose of determining the portion of the production area in which each marketing committee shall operate.

COMMITTEES

§ 908.23 *Establishment.* The agencies for administering the terms and provisions hereof shall be the administrative committee, known as the California Potato Committee, and the area potato marketing committees. Such agencies shall be selected in accordance with the methods set forth in §§ 908.23 to 908.34, inclusive. Each marketing committee shall have sole responsibility and authority for recommending regulations pursuant to §§ 908.45 to 908.49, inclusive, for districts which it serves and from which its members are selected. Such responsibility and authority may be exercised for a portion of each season by seasonal groups established within a marketing committee pursuant to this section. The California Potato Committee, whose members shall be selected from the marketing committees, shall provide the staff and services for carrying out its and each marketing committee's powers and duties hereunder.

§ 908.24 *Districts and areas.* As a basis for selecting marketing committee members, the following districts of the production area and the following areas within the production area are hereby initially established:

Area	Districts	Counties
Area 1	1A	San Joaquin and Contra Costa.
	1B	San Francisco, San Mateo, Santa Cruz, Santa Clara, Alameda, Stanislaus, Tuolumne, Calaveras, and Alpine.
	1C	Marin, Sonoma, Napa, Solano, Sacramento, Amador, Eldorado, and all counties lying north thereof in the production area.
Area 2	2A	Tulare.
	2B	Fresno and Kings.
	2C	Madera, Mariposa, and Merced.
	2D	Monterey and San Benito.
Area 3	3A	Kern, Mono, and Inyo.
	3B	San Luis Obispo, Santa Barbara, and Ventura.
Area 4	4A	Los Angeles, Orange, and San Diego.
	4B	San Bernardino.
	4C	Riverside and Imperial.

§ 908.25 *Marketing committees*—(a) *Area potato marketing committees.* Area potato marketing committees are hereby initially established from among producers in districts as follows:

Area 1 Potato Marketing Committee shall consist of seven members selected from among producers in Districts 1A, 1B, and 1C;

Area 2 Potato Marketing Committee shall consist of 7 members selected from among producers in Districts 2A, 2B, 2C, and 2D;

Area 3 Potato Marketing Committee shall consist of 18 members selected from among producers in Districts 3A and 3B;

Area 4 Potato Marketing Committee shall consist of 9 members selected from Districts 4A, 4B, and 4C.

(b) *Seasonal groups.* The members of an Area Potato Marketing Committee may be subdivided into seasonal groups with authority to act for such marketing committee during specified portions of each season as provided in this paragraph. The number of seasonal groups within a marketing committee, the number of members on each such seasonal group, the portions of the season for which each such group shall exercise plenary authority for the marketing committee of which it is a part, and the qualifications of such members, shall be as established initially pursuant to this section, or as reestablished subsequently pursuant to § 908.27.

The Early seasonal group in Area 3 shall consist of 5 members and such group shall act for Area 3 Potato Marketing Committee during the period April 1 to May 15, inclusive;

The Intermediate seasonal group in Area 3 shall consist of 7 members and such group shall act for Area 3 Potato Marketing Committee during the period May 16 to July 15, inclusive;

The Late seasonal group in Area 3 shall consist of 6 members and such group shall act for Area 3 Potato Marketing Committee during the period July 16 to the following March 31, inclusive.

§ 908.26 *Selection*—(a) *Marketing committees.* For each marketing committee and seasonal group therein, the Secretary shall select members, pursuant to § 908.30, as follows:

Area 1 Potato Marketing Committee:
- 5 members from District 1A.
- 1 member from District 1B.
- 1 member from District 1C.

Area 2 Potato Marketing Committee:
- 3 members from District 2A.
- 1 member from District 2B.
- 2 members from District 2C.
- 1 member from District 2D.

Area 3 Potato Marketing Committee:

Early seasonal group:
- 5 members from Districts 3A and 3B, who during the past season harvested potatoes during the period April 1 to May 15, inclusive;

Intermediate seasonal group:
- 7 members from Districts 3A and 3B, who during the past season harvested potatoes during the period May 16 to July 15, inclusive;

Late seasonal group:
- 6 members who during the past season harvested potatoes during the period July 16 to March 31, inclusive, selected as follows:
  - 3 members from District 3A.
  - 3 members from District 3B.

Area 4 Potato Marketing Committee:
- 1 member from District 4A.
- 3 members from District 4B.
- 5 members from District 4C.

(b) *Administrative committee.* Members of the administrative committee shall be selected from among marketing committees. Each seasonal group established shall be represented on the administrative committee. The Secretary shall select administrative committee members as follows:

- 2 from Area 1.
- 2 from Area 2.
- 2 from Area 4.
- 3 from Area 3.

§ 908.27 *Reestablishment*—(a) *Marketing committees.* Joint meetings of two or more marketing committees may be called by the administrative committee to consider and to recommend reestablishment of such marketing committees or to reestablish districts within the production area, or both. Pursuant to consideration and to recommendations at such joint meeting or meetings, the administrative committee may recommend, and pursuant thereto the Secretary may approve, the number of such marketing committees, the portion of the production area to be served by each such marketing committee, the number of members on each such marketing committee, the apportionment of such members among districts within each such area, and the reestablishment of districts within the production area: *Provided,* That in recommending any such changes in marketing committees or in districts, the administrative committee shall give consideration to: (1) The importance of new production in its relation to existing districts and to existing organization of marketing committees; (2) shifts in potato acreage during recent years within districts, within marketing committee areas, and within the production area; (3) changes in the relative position of marketing committees with respect to potato acreage, production, and proposed districts; (4) the geographical location of each such marketing committee in relation to efficient operation hereof; (5) economies for producers in promoting efficient administration; and (6) other relevant factors: *Provided further,* That such recommendations shall be made not later than 30 days prior to the end of a fiscal year. No such change may become effective later than 30 days following the opening of a fiscal year.

(b) *Seasonal groups.* A marketing committee may recommend, and the Secretary may approve for the ensuing season, the number of seasonal groups, or changes thereof, within a marketing committee, the number of members in each such seasonal group, and the portion of the season during which and for which each such seasonal group may recommend regulations: *Provided,* That in making any such recommendations a marketing committee shall give consideration to: (1) The seasonal pattern of marketings within such marketing committee area; (2) the changes in such seasonal pattern compared with previous years; (3) the adequacy of representation by various districts or portions of the season within such seasonal groups, and (4) other relevant factors: *Provided further,* That such recommendations shall be made not later than 30 days prior to the end of a fiscal year. No such change may become effective later than 30 days following the opening of a fiscal year.

§ 908.28 *Committee members and alternates.* (a) A person may be a member of not more than one marketing committee.

(b) For each member of each marketing committee and for each member of the administrative committee there shall be an alternate who shall have the same qualifications as the member. Persons selected as marketing committee members or alternates shall be individuals who are producers in the respective district for which selected, or officers or employees of a corporate producer in such district.

(c) Persons selected as members or alternates of a seasonal group within a marketing committee, shall be individuals who qualify for membership on such committee and who, in addition, produced and harvested potatoes during the past season, or portion thereof, over which the group for which he is selected has jurisdiction as provided in §§ 908.25 through 908.27.

(d) An alternate member of the administrative committee or any marketing committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified.

§ 908.29 *Term of office.* The term of office of members and alternates of the administrative committee and of each marketing committee shall be two fiscal years. Such members and alternates shall continue to serve until respective successors are selected and have qualified. The terms of office of initial administrative committee and marketing committee members and alternates shall be determined by the Secretary so that the terms of office of one less than a majority of such initial members and alternates of each such committee shall be a fiscal year and the terms of office of the remaining members and alternates of such committee shall be two fiscal years. Administrative committee and marketing committee members and alternates shall begin serving on the date on which they qualify.

§ 908.30 *Nomination.* The Secretary shall select the members of marketing committees and their respective alternates from nominations which may be made in the following manner:

(a) Nominations for initial members of each marketing committee and their respective alternates may be submitted by producers, or groups thereof, and such nominations may be by virtue of elections conducted by groups of producers.

(b) In order to provide nominations for succeeding marketing committee members and alternates:

(1) The administrative committee shall hold or cause to be held 60 days prior to the end of each fiscal year, after the effective date of this part, a meeting or meetings of producers in each district;

(2) At each such meeting at least two nominees shall be designated for each position as member and for each position as alternate member which is to be filled on the marketing committee serving the district in which the meeting is held;

(3) Nominations for marketing committee members and alternate members shall be supplied to the Secretary in such manner and form as he may prescribe, not later than 30 days prior to the end of each fiscal year;

(4) Only producers may participate in designating nominees for marketing committee members and their alternates;

(5) Only producers who in the past season harvested their potatoes during the portion of the season over which a seasonal group has jurisdiction may participate in designating nominees for members and alternates of such seasonal group;

(c) Regardless of the number of districts in which a person produces potatoes within a marketing committee area, such person shall elect the district within which he may participate as aforesaid in designating nominees, and each such person is entitled to vote only once within each such marketing committee area on behalf of himself, his agents, subsidiaries, affiliates, and representatives in designating nominees: *Provided, however,* That a person who produces potatoes in more than one marketing committee area shall be allowed to vote for nominees for each marketing committee having jurisdiction over potatoes produced by such person: *Provided further,* That only persons who are eligible for designation as nominees for a seasonal group shall have the right to vote for nominees for members and alternates for such seasonal group: *Provided further,* That the privilege of voting only once, as aforesaid, shall be construed to permit a voter to cast one vote for each position to be filled in the marketing committee, or seasonal group, serving the district in which he may vote.

(d) *Failure to nominate.* If nominations are not made within the time and in the manner specified in § 908.30 (b), the Secretary may without regard to nominations, select the marketing committee members and alternates which selection shall be on the basis of the representation provided for in §§ 908.26 and 908.27.

(e) *Acceptance.* Any person selected by the Secretary as an administrative committee or marketing committee member or as an alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

(f) *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as an administrative committee or marketing committee member or as an alternate to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term may be selected by the Secretary from nominations made in the manner specified in paragraph (b) of this section, or the Secretary may select such committee member or alternate from previously unselected nominees on the current nominee list from the district involved. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of the representation provided for in §§ 908.26 and 908.27.

§ 908.31 *Procedure.* (a) A majority of the entire membership of the administrative committee shall be necessary to constitute a quorum. A majority of votes of such membership will be required to pass any motion or approve any action of the administrative committee.

(b) To constitute a quorum of a marketing committee a majority of the entire membership of such committee shall be necessary. To pass a motion or approve any action of a marketing committee a majority of votes of all members of such committees will be required: *Provided,* That for each seasonal group within a marketing committee, a majority of its members shall be necessary to constitute a quorum and a majority of each such seasonal group shall be required to pass a motion or approve any action of such seasonal group.

(c) Meetings of the administrative committee, or of any marketing committee or seasonal group thereunder, may be conducted by telephone, telegraph, and other means of communications and any vote cast at such a meeting shall be confirmed promptly in writing: *Provided,* That if any assembled meeting is held, all votes shall be cast in person.

§ 908.32 *Expenses and compensation.* Administrative committee and marketing committee members, or their respective alternates when acting as members, shall serve without compensation but shall be reimbursed for expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers hereunder.

§ 908.33 *Powers.* The administrative committee and each of the marketing committees shall have the following powers which may be necessary for each such committee to perform its functions in accordance with the provisions of this part.

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 908.34 *Duties.* (a) It shall be the duty of the administrative committee:

(1) To act as intermediary between the Secretary and any producer or handler;

(2) To select a chairman and such other officers as may be necessary, to select subcommittees of administrative committee members, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(3) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(4) To call joint meetings from time to time of two or more marketing committees;

(5) To investigate, from time to time, and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to potatoes, and to engage in such research and service activities which relate to the handling or marketing of potatoes as may be approved by the Secretary;

(6) To furnish to the Secretary such available information as he may request;

(7) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the administrative committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative;

(8) To recommend the rate of assessment to cover the expenses set forth in the budget;

(9) At the beginning of each fiscal year, to submit to the Secretary a budget of its expenses and assessments for such fiscal year, together with a report thereon;

(10) To cause the books of the administrative committee to be audited by a competent accountant at least once each fiscal year, and at such other time as such committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant hereto; a copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of such committee for inspection by producers and handlers; and

(11) To consult, cooperate and exchange information when deemed desirable by the administrative committee or by a marketing committee, with other potato marketing committees and other individuals or agencies in connection with all proper activities and objectives of such committees under this part.

(b) It shall be the duty of each marketing committee and seasonal groups thereunder:

(1) To nominate members and alternates for the administrative committee;

(2) To recommend regulations pursuant to § 908.46 which may be applicable

to shipments from the districts served by each such committee or seasonal group;

(3) To recommend rules and procedures for, and to make determinations in connection with, issuance of certificates of exemption pursuant to §§ 908.57 to 908.62;

(4) To act as intermediary between the Secretary and any producer or handler;

(5) To select a chairman and such other officers as may be necessary and to select subcommittees of marketing committee members; and

(6) To adopt such rules and regulations for the conduct of its business as it may deem advisable.

EXPENSES, ASSESSMENTS AND BUDGET

§ 908.36 *Budget.* The administrative committee shall prepare a budget for each fiscal year showing its anticipated expenses and a proposed rate of assessment to cover such expenses. The administrative committee shall also transmit a report accompanying the budget showing the basis for its calculation of expenses and the proposed rate of assessment.

§ 908.37 *Expenses.* The administrative committee is authorized to incur such expenses as the Secretary, upon the basis of the aforesaid budget, or on the basis of other available information, finds are reasonable and likely to be incurred during each fiscal year.

§ 908.38 *Rate of assessment.* The funds to cover such expenses shall be acquired by the levying on handlers of assessments which shall be at a rate fixed by the Secretary on the basis of the administrative committee recommendation. Each handler who first ships potatoes subject to regulations issued pursuant to this part shall pay assessments to the administration committee, upon demand, which assessments shall be such handler's pro rata share of such expenses. Such handler's share of such expense shall be proportionate to the ratio between the total quantity of potatoes handled by him as the first handler thereof, during the applicable fiscal year, and the total quantity of potatoes handled by all handlers as the first handlers thereof, during the same fiscal year.

§ 908.39 *Increasing rate of assessment.* Upon recommendation of the administrative committee and upon a later finding relative to such committee's expenses or revenue, the Secretary may increase the rate of assessment to cover expenses which may be appropriately incurred. Such increase shall be applicable to all potatoes handled as aforesaid during the given fiscal year.

§ 908.40 *Refunds.* If, at the end of a fiscal year, it shall appear that assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund of the excess assessments shall be credited with such refund against the operations of the following fiscal year, unless he demands payment thereof, in which event such proportionate refund shall be paid to him.

§ 908.41 *Collection of funds.* The administrative committee may, with the approval of the Secretary, maintain in its own name or in the name of its members, a suit against any handler for the collection of such handler's pro rata share of its expenses.

§ 908.42 *Accounting.* All funds received by the administrative committee pursuant to any provision of §§ 908.38 through 908.42 shall be used solely for the purposes herein specified and shall be accounted for in the following manner:

(a) The Secretary may at any time require the administrative committee and its members to account for all receipts and disbursements; and

(b) Whenever any person ceases to be an administrative committee or marketing committee member or alternate, he shall account for all receipts and disbursements and deliver all property and funds in his hands, together with all books and records in his possession, to his successor in office or to such person as the Secretary may designate, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor or in such designated person the right to all the property, funds, or claims vested in such member or alternate.

(c) In order to provide funds to carry out the functions of this program, handlers may make advance payment of assessments.

REGULATION

§ 908.45 *Marketing policy*—(a) *Preparation.* Prior to each season and prior to each portion thereof for which a seasonal group has authority to recommend regulations, each marketing committee shall consider and prepare a proposed policy for the marketing of potatoes grown in the respective committees' area during such season or portion thereof for which a seasonal group has authority to recommend regulations. In developing its marketing policy each committee shall investigate relevant supply and demand conditions for potatoes. In such investigations each committee shall give appropriate consideration to the following:

(1) Market prices for potatoes, including prices by grade, size, and quality in different packs, or any other shipping unit;

(2) Supply of potatoes, by grade, size, and quality, in the production area and in other production areas;

(3) The trend and level of consumer income; and

(4) Other relevant factors.

(b) *Reports.* (1) Each marketing committee shall submit to the Secretary a report setting forth the aforesaid marketing policy, and a copy of such report shall be made available to the administrative committee. Each marketing committee with the assistance of the administrative committee also shall notify producers and handlers of the contents of such reports.

(2) In the event it becomes advisable to deviate from such marketing policy, because of changed supply and demand conditions the respective marketing committee shall formulate a new marketing policy in accordance with the manner previously outlined. Such committee also shall submit a report thereon to the Secretary, also to the administrative committee, and notify, with the assistance of the administrative committee, producers and handlers of such revised or amended marketing policy.

§ 908.46 *Marketing committee recommendations.* (a) Each marketing committee, or appropriate seasonal group thereunder, shall recommend regulation to the Secretary whenever it finds that such regulation, as provided in § 908.47 or § 908.48, will tend to effectuate the declared policy of the act.

(b) Each marketing committee, or appropriate seasonal group thereunder, also may recommend modification, suspension, or termination of any regulation in order to facilitate shipments of potatoes for the specified purposes set forth in § 908.49.

§ 908.47 *Issuance of regulations.* The Secretary shall limit the shipment of potatoes whenever he finds from the recommendations and information submitted by a marketing committee, or appropriate seasonal group thereunder, or from other available information, that such regulation would tend to effectuate the declared policy of the act. Such limitation may include any or all of the following:

(a) Regulate, in any or all portions of the production area, the shipment of particular grades, sizes, or qualities of any or all varieties of potatoes during any period; or

(b) Regulate the shipment of particular grades, sizes, or qualities of potatoes differently, for different varieties, for different portions of the production area, for different packs, or any combination of the foregoing during any period; or

(c) Regulate the shipment of potatoes by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity; or

(d) Prohibit the preparation of potatoes for market during any period: *Provided*, That such prohibition shall not exceed five days in any one month, exclusive of Saturdays, Sundays, and legal holidays.

§ 908.48 *Minimum shipments.* Each marketing committee, or appropriate seasonal group thereunder, with the approval of the Secretary, may establish, for any or all portions of the production area served by such committee, minimum quantities below which shipments will be free from regulation pursuant to § 908.38, § 908.39, § 908.47, or § 908.55, or any combination thereof during any period.

§ 908.49 *Special shipments.* Upon the basis of the recommendations and information submitted by any marketing committee, or appropriate seasonal group thereunder, the Secretary may modify, suspend, or terminate regulations issued pursuant to § 908.47 in order to facilitate shipments for the following purposes of potatoes grown in the area served by such committee, whenever he finds that it will tend to effectuate the declared policy of the act:

(a) For seed;

(b) For use in lieu of seed;

(c) For export;
(d) For distribution by the Federal Government;
(e) For manufacture or conversion into specified products;
(f) For livestock feed; and
(g) For other purposes which may be specified.

§ 908.50 *Notice.* The Secretary shall notify marketing committees through the administrative committee, of any regulations issued pursuant to §§ 908.47 to 908.49, inclusive, and 908.51. Each marketing committee with the assistance of the administrative committee shall give reasonable notice thereof to producers and handlers.

§ 908.51 *Safeguards.* (a) The administrative committee, upon recommendation of a marketing committee, and with approval of the Secretary, may prescribe (1) adequate safeguards to prevent shipments pursuant to § 908.49 from entering channels of trade for other than the specific purpose authorized therefor, and (2) rules governing the issuance and the contents of Certificates of Privilege if such certificates are prescribed as safeguards by such committee.

(b) Safeguards, as prescribed in this section, may include requirements that:
(1) Handlers shall file applications with the committee to ship potatoes pursuant to § 908.49;
(2) Handlers shall obtain inspection provided by § 908.55 or pay the pro rata share of expenses provided by § 908.38 or both, in connection with potato shipments effected under the provisions of § 908.49; and
(3) Handlers shall obtain Certificates of Privilege from the administrative committee for shipments of potatoes effected or to be effected under the provisions of § 908.49.

(c) The administrative committee may rescind or deny Certificates of Privilege to any shipper if proof is obtained that potatoes shipped by him for the purposes stated in § 908.49 were handled contrary to the provisions of this section.

(d) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the administrative committee pursuant to the provisions of this section.

(e) The administrative committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of potatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of potatoes shipped under duly issued certificates, and such other information as may be requested.

Inspection and Certification

§ 908.55 *Inspection.* During any period in which shipments of potatoes are regulated pursuant to the provisions of this part, each handler who first ships potatoes shall, prior to making shipment, cause each shipment to be inspected by an authorized representative of the Federal-State Inspection Service or such other inspection service as the Secretary shall designate. Each such handler obtaining inspection shall make arrangements with the inspection agency to forward promptly to the administrative committee a copy of each inspection certificate: *Provided, however,* That (a) each handler making a shipment of potatoes during such period shall, prior to making such shipment, determine if such shipment has been inspected, and if such shipment has not been so inspected and is not covered by an inspection certificate, each handler making such determination shall have such potatoes inspected and shall arrange for a copy of the inspection certificates to be forwarded to the administrative committee as aforesaid, and (b) upon recommendation of the administrative committee, and approval by the Secretary, each handler who first ships potatoes after such potatoes are regraded., resorted, repacked, or in any other way further prepared for market shall have each shipment of such potatoes inspected as provided in this section.

Exemptions

§ 908.57 *Certificates of exemption.* The administrative committee, upon recommendation of a marketing committee, may adopt, with approval of the Secretary, the procedures pursuant to which certificates of exemption will be issued to producers.

§ 908.58 *Committee determinations.* Each marketing committee, when making recommendations for regulations, shall:

(a) Determine the average proportion of production which can be shipped by all producers in the portion or portions of the production area and for specific portions of the season to be covered by proposed regulations;

(b) Determine the portion or portions of the production area constituting an immediate area or areas of production for prospective applicants;

(c) Determine methods for establishing appropriate and equitable bases for comparisons between any producer's crop, or specific portion thereof, and the average proportion of production which may be shipped by all producers within any such producer's immediate shipping area during the entire season, or any specific portion thereof; and

(d) Give reasonable notice through the administrative committee to producers, handlers, and other interested parties with respect to such determinations.

§ 908.59 *Applications and issuance.* The administrative committee, upon recommendation of a marketing committee, shall issue certificates of exemption to any producer who applies for such exemption and furnishes adequate evidence to such committee:

(a) That the grade, size, or quality of the applicant's potatoes, or specific portions thereof, have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation.

(b) That by reason of a regulation issued pursuant to § 908.47, § 908.48, or § 908.49, or any combination thereof, he will be prevented from shipping as large a proportion of his production as the average proportion of production shipped by all producers in said applicant's immediate production area during comparable portions of the season.

(c) Each certificate shall permit the producer to ship the amount of potatoes specified thereon. Such certificates shall be transferred with such potatoes at time of sale.

§ 908.60 *Investigation.* The administrative committee and the marketing committee operating in the area from which an application is received shall be permitted at any time to make a thorough investigation of any producer's claim pertaining to exemptions.

§ 908.61 *Appeals.* If any applicant for exemption certificates is dissatisfied with the determination with respect to his application, said applicant may file an appeal with the marketing committee in the applicant's area. Such an appeal must be taken promptly after the determination from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to such committee for a determination on the appeal. The marketing committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. Such marketing committee shall notify the appellant of the final determination, and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

§ 908.62 *Records.* The administrative committee shall maintain a record of all applications submitted for exemption certificates, a record of all exemption certificates issued and denied, the quantity of potatoes covered by such exemption certificates, a record of the amount of potatoes shipped under exemption certificates, a record of appeals for reconsideration of applications, and such information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the administrative committee upon request of the Secretary.

Reports

§ 908.65 *Reports.* Upon the request of the administrative committee, with approval of the Secretary, every handler shall furnish to such committee, in such manner and at such time as may be prescribed, such information as will enable the administrative committee and the marketing committees to exercise their powers and perform their duties hereunder. The Secretary shall have the right to modify, change, or rescind any requests for reports pursuant to this section.

Compliance

§ 908.66 *Compliance.* Except as provided in this part, no handler shall prepare potatoes for market or ship potatoes, the preparation or shipment of which has been prohibited or limited by the Secretary in accordance with provisions of this part, and no handler shall ship potatoes except in conformity to the provisions of this part.

RIGHT OF THE SECRETARY

§ 908.67 *Right of the Secretary.* The members of the administrative committee and the members of the marketing committees (including successors and alternates), and any agent or employee appointed or employed by such committees shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of such committees shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

EFFECTIVE TIME AND TERMINATION

§ 908.68 *Effective time.* The provisions of this part shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in § 908.69.

§ 908.69 *Termination.* (a) The Secretary may, at any time, terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this part whenever he finds that such provisions obstruct or do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this part at the end of any fiscal year whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal year, have been engaged in the production for market of potatoes; *Provided,* That such majority have during such year, produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced at least 30 days prior to the end of the then current fiscal year.

(d) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 908.70 *Proceedings after termination.* (a) Upon the termination of the provisions of this part, the then functioning members of the administrative committee and of the marketing committee shall continue as trustees (for the purpose of liquidating the affairs of such committees) of all the funds and property then in the possession of or under control of such committees, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustee shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of their respective committee and of the trustee, to such person as the Secretary may direct; and shall upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in their respective committee or the trustee pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the administrative committee or the marketing committees or their members, pursuant to this section, shall be subject to the same obligations imposed upon the members of such committees and upon the said trustees.

§ 908.71 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this part, or of any regulation issued pursuant to this part, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this part or any regulation issued under this part or (b) release or extinguish any violation of this part or of any regulations issued under this part, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

MISCELLANEOUS PROVISIONS

§ 908.75 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon the termination of this part, except with respect to acts done under and during the existence of this part.

§ 908.76 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 908.77 *Derogation.* Nothing contained in this part is, or shall be construed to be in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 908.78 *Personal liability.* No member or alternate of the administrative committee nor any marketing committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee, except for acts of dishonesty.

§ 908.79 *Separability.* If any provision of this part is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 908.80 *Amendments.* Amendments to this part may be proposed, from time to time, by the administrative committee, or by any marketing committee, or by the Secretary.

[F. R. Doc. 50-3317; Filed, Apr. 19, 1950; 8:50 a. m.]

[7 CFR, Part 908]

[Docket No. AO-213]

HANDLING OF IRISH POTATOES GROWN IN CALIFORNIA (EXCEPT MODOC AND SISKIYOU COUNTIES)

ORDER DIRECTING THAT A REFERENDUM BE CONDUCTED AMONG PRODUCERS, DESIGNATION OF AGENTS TO CONDUCT SUCH REFERENDUM, AND DETERMINATION OF REPRESENTATIVE PERIOD

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31; 7 U. S. C. 601 et seq., 61 Stat. 202, 707, 62 Stat. 1247; 63 Stat. 1051), it is hereby directed that a referendum be conducted to ascertain whether the issuance of a marketing order regulating the handling of Irish potatoes grown in the State of California (except Modoc and Siskiyou Counties) is approved or favored by producers of such potatoes who during a representative period, as hereinafter determined, were engaged in the production of such potatoes for market. The order on which the referendum is to be conducted is annexed to the decision of the Secretary[1] filed simultaneously herewith.

(1) For the purpose of such referendum:

(a) It is hereby determined that the period January 1, 1949, to December 31, 1949, is a representative period.

(b) "Production area" means the production area as defined in § 908.4 *Production area* of the order on which this referendum is being held, namely, all territory, except Modoc and Siskiyou Counties, in the State of California.

(c) "Person" means any individual, partnership, corporation, association, legal representative, or any organized group or business unit.

(d) "Producer" means any person who: (i) Owns and farms land in the production area, resulting in his ownership of potatoes produced thereon; (ii) rents and farms land in the production area, resulting in his ownership of all or a portion of the potatoes produced thereon; or (iii) owns land in the production area which he does not farm and, as rental for such land, obtains the ownership of a portion of the potatoes produced thereon. Persons owning land in the production area and obtaining cash rent therefor, and persons acquiring in any manner other than as hereinbefore set forth legal title to potatoes grown on such land, shall not be deemed to be producers.

(e) Each producer shall be entitled to only one vote in such referendum, except that: (i) In a landlord-tenant relationship, wherein each of the parties is a producer, each such producer shall be en-

[1] See F. R. Doc. 50-3317, *supra.*

titled to one vote in the referendum and to vote his respective share of such joint production, and (ii) a cooperative association of producers, bona fide engaged in marketing potatoes grown in the production area, or in rendering services for or advancing the interests of producers of such potatoes, may, if it elects to do so, vote for the producers who are members of, stockholders in, or under contract with such association.

(f) Any individual casting a ballot in such referendum on behalf of a producer shall, when required by the agents, submit with the ballot, evidence of his authority to cast such ballot, except that such evidence shall be submitted with each ballot cast on behalf of a corporation or cooperative association of producers.

(2) Sherman L. Pobst, R. M. Walker, and A. C. Cook of the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, are hereby designated as agents to conduct such referendum. Such agents shall, jointly or severally, perform their functions subject to, and at the direction of, the Director of the Fruit and Vegetable Branch, Production and Marketing Administration.

(3) Such agents shall:

(a) Conduct such referendum in the manner herein prescribed, by giving an opportunity to such producers to cast their ballots relative to their approval of such order.

(b) Determine the time of commencement and termination of the period of the referendum, and the time prior to which all ballots must be cast.

(c) Determine whether ballots may be cast by mail, at polling places, at meetings of producers, or by any combination of the foregoing.

(d) Give reasonable advance notice of the referendum (i) by utilizing without advertising expense available media of public information (including, but not being limited to, press and radio facilities) serving the production area, announcing the dates, places, methods of voting, eligibility requirements, and other pertinent information and (ii) by such other means as said agents may deem advisable.

(e) Make available to producers copies of the text of the order, instructions on voting, and appropriate ballot and other necessary forms.

(f) In the event such agents determine that ballots may be cast by mail, cause a copy of the appropriate ballot form, instructions for executing and casting the ballot, and a copy of the text of the order to be mailed to the aforesaid producers and cooperative associations of producers whose names and addresses are known.

(g) In the event such agents determine that ballots may be cast at polling places, determine the necessary number of polling places and designate and announce such polling places; and the hours during which each such polling place will be open: *Provided*, That all such polling places shall remain open at least four (4) consecutive day-light hours during each day announced.

(h) In the event such agents determine that ballots may be cast at meetings of producers, determine the necessary number of meeting places; and designate and announce such meeting places, and the time of each such meeting.

(4) Said agents may appoint any person or persons deemed necessary or desirable to assist said agents in performing their functions hereunder. Each person so appointed shall serve without compensation and may be authorized by said agents to perform, in accordance with the requirements herein set forth, any or all of the following functions (which, in the absence of such appointment of subagents, shall be performed by said agents):

(a) Give public notice of the referendum in the manner specified herein;

(b) Preside at a meeting of producers or act as poll officer at a polling place;

(c) Distribute ballots and the aforesaid texts to producers and receive any ballots which are cast; and

(d) Obtain the name and address of each person receiving or casting a ballot and inquire into the eligibility of such person to vote in the referendum.

(5) Said agents and their appointees shall accept all ballots cast; but, should they, or any of them, deem that a ballot should be challenged for any reason, or if a ballot is challenged by any other person, said agent or appointee shall endorse above his signature, on the back of said ballot, a statement to the effect that such ballot was challenged, by whom challenged, the reasons therefor, and the results of any investigations made with respect thereto.

(6) At the conclusion of the referendum, the agents shall prepare for, and submit to, the Fruit and Vegetable Branch the following:

(a) All ballots received by the agents and appointees, together with a certificate to the effect that the ballots forwarded are all of the ballots cast and received by such persons during the referendum period;

(b) A list of all challenged ballots; and

(c) A detailed statement explaining the method used in giving publicity to the referendum and showing other information pertinent to the manner in which the referendum was conducted.

(7) The Director, Fruit and Vegetable Branch, may designate any of the said agents to serve as an agent-in-charge to receive the material specified in paragraph (6) hereof. Each such agent-in-charge shall canvass the ballots and list them. The original tabulation shall then be forwarded, together with the ballots and other required documents, to the Director, Fruit and Vegetable Branch.

(8) The Fruit and Vegetable Branch thereafter shall prepare and submit to the Secretary a report covering the results of the referendum, the manner in which the referendum was conducted, the extent and kind of public notice given, and all other information pertinent to the full analysis of the referendum and its results.

(9) All ballots shall be treated as confidential.

(10) The Director, Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture is hereby authorized to prescribe additional instructions, not inconsistent with the provisions hereof, to govern the procedure to be followed by said referendum agents and appointees in conducting said referendum.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 61 Stat. 202, 707; 62 Stat. 1247; 63 Stat. 1051)

Done at Washington, D. C., this 14th day of April 1950.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 50-3336; Filed, Apr. 19, 1950; 8:50 a. m.]

[7 CFR, Part 922]

[AO 223]

HANDLING OF IRISH POTATOES GROWN IN CENTRAL NEBRASKA

NOTICE OF HEARING WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Correction

In Federal Register Document 50-3182, appearing at page 2109 of the issue for Friday, April 14, 1950, § 922.1 (d) should read as follows:

(d) "Production area" means all territory included within the counties of Phelps, Loup, Garfield, Custer, Valley, Greeley, Sherman, Howard, Hall, Buffalo, Dawson, and Kearney in Nebraska.

NOTICES

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

SMALL TRACT CLASSIFICATION NO. 23

APRIL 12, 1950.

By virtue of the authority contained in the act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, and Departmental Order No. 2325 of May 24, 1947 (43 CFR 4.275 (b) (3), 12 F. R. 3566), and pursuant to the authority delegated to me by the Director, Bureau of Land Management, by Order No. 319, dated July 19, 1948 (43 CFR 50.451 (b) (3), 13 F. R. 4278), it is ordered as follows:

Subject to valid existing rights, the following-described lands in the Anchorage, Alaska, land district, embracing 80 acres, are hereby classified as chiefly valuable for lease and sale under the Small Tract Act of June 1, 1933 (52 Stat. 609; 43 U. S. C. 682a), as amended, for home, cabin, and business sites:

T. 5 S., R. 15 W., S. M.
Sec. 4: S½NE¼

The land above described is included in the homestead entry of Leo Watt Eason, Anchorage 012950.

This order shall not become effective to change the status of such land or to permit the leasing thereof under the Small Tract Act of June 1, 1938, cited above, except upon the failure of the homestead entry Anchorage 012950, mentioned above. In the event of the failure of said entry the land will then become available for filings under the small tract act, after due notice to be given by publication, subject to the preference right of veterans of World War II, accorded by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. Sec. 279), and other qualified persons entitled to credit for service under the said act.

LOWELL M. PUCKETT,
Regional Administrator.

[F. R. Doc. 50-3301; Filed, Apr. 19, 1950; 8:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 9433]

ALL AMERICA CABLES AND RADIO, INC., ET AL.

ORDER CONTINUING HEARING

In the matter of All America Cables and Radio, Inc., The Commercial Cable Company, and Mackay Radio and Telegraph Company, Inc., regulations and practices for and in connection with acceptance and delivery of overseas and foreign telegraph messages, Docket No. 9433.

The Commission having under consideration a motion filed April 10, 1950, by RCA Communications, Inc., requesting that the further hearing now scheduled for April 18, 1950, in Washington, D. C., in the above-entitled matter, be continued to May 9, 1950, or such time thereafter as will meet the convenience of the Hearing Examiner;

It appearing, that good and sufficient cause for the requested continuance has been shown in the motion; that the time within which parties to this proceeding and the Commission Counsel might have filed objections thereto has expired, and no such objections have been filed by them to said motion; and that a grant thereof will not adversely affect the public interest;

It is ordered, This 14th day of April 1950, that the motion be, and it is hereby, granted and that the further hearing in the above-entitled matters be, and it is hereby, continued to 10:00 o'clock a. m. Tuesday, June 6, 1950, in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-3329; Filed, Apr. 19, 1950; 8:52 a. m.]

CLASS B FM BROADCAST STATIONS

REVISED TENTATIVE ALLOCATION PLAN

In the matter of amendment of revised tentative allocation plan for Class B FM broadcast stations to change channel allocations to Raleigh, North Carolina.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 12th day of April 1950;

The Commission having under consideration an amendment to its Revised Tentative Allocation Plan for Class B FM Broadcast Stations to change the channel allocations to Raleigh, North Carolina, as follows:

	Channel No.	
	Delete	Add
Raleigh, N. C.	233	234

It appearing, that the proposed amendment to the Allocation Plan is desirable in order to permit the grant of the pending application of WPTF Radio Company, permittee of Class B FM broadcast station WPTF-FM at Raleigh, N. C., to change its assigned channel from 233 (94.5 mc.) to 234 (94.7 mc.); and

It further appearing, that the adoption of said amendment will not reduce the present allocation to any area or require a change in the channel assignment of any other existing station or authorization; that the operatiotn of a Class B FM station on Channel 234 at Raleigh, N. C., will not cause objectionable interference to any station existing, proposed or contemplated by the FM allocation plan; and that no existing requirements of the Commission will be affected by the said amendment; and

It further appearing, that the nature of the proposed amendment is such as to render unnecessary the public notice and procedure set forth in section 4 (a) of the Administrative Procedure Act; and that for the same reasons this order may be made effective immediately in lieu of the requirements of section 4 (c) of said act; and

It further appearing, that authority for the adoption of said amendment is contained in sections 303 (c), (d), (f), and (r) and 307 (b) of the Communications Act of 1934, as amended;

It is ordered, That, effective immediately, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended so that the allocation to Raleigh, N. C., is changed as follows:

General area	Channel No.	
	Delete	Add
Raleigh, N. C.	233	234

Released: April 14, 1950.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 50-3330; Filed, Apr. 19, 1950; 8:52 a. m.]

POST OFFICE DEPARTMENT

ADDRESSING MAIL TO GERMANY

Reference is made to the notice published under the above caption in the FEDERAL REGISTER of February 28, 1950 (15 F. R. 1086).

Although it is permissible, pursuant to the above-mentioned instructions, to include "Western zone" in the address of mail and parcel post for the American, British, or French zone of Germany, it is still necessary that senders include the postal addressing district as a part of the address of all mail and parcel post destined for the "Western zone" when the specific zone of destination is not shown.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 50-3308; Filed, Apr. 19, 1950; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-882, G-1152, G-1317]

TRUNKLINE GAS SUPPLY CO. ET AL.

ORDER FIXING DATE FOR FURTHER HEARING AND DATE FOR ORAL ARGUMENT

APRIL 13, 1950.

In the matters of Trunkline Gas Supply Company, Docket No. G-882; Panhandle Eastern Pipe Line Company, Docket No. G-1317; City of Port Huron,

City of Marysville, and City of St. Clair, Michigan, municipal corporations, Docket No. G–1152.

On March 13, 1950, counsel for Trunkline Gas Supply Company (Trunkline), filed with the Commission a Motion to Omit the Intermediate Decision Procedure in the proceeding in Docket No. G–882 and requested in such motion that the "Commission find that due and timely execution of its functions imperatively and unavoidably requires that it forthwith render the final decision in this proceeding." Answers to such motion have been filed by Michigan Consolidated Gas Company and by counsel for Commission Staff.

Subsequently on March 20, 1950, counsel for Trunkline filed with the Commission a Request for Oral Argument before the Commission with respect to the issues in the proceeding.

On March 29, 1950, counsel for Panhandle Eastern Pipe Line Company (Panhandle) in the course of the hearing in the proceeding in Docket No. G–1317 orally moved upon the record that "the Commission forthwith limit the hearings at this time to matters concerning the broad public convenience and necessity for the proposed construction and operation [of the project] and the ability of Panhandle to perform the service proposed, reserving, for further hearing after the issuance of a certificate, issues involving claims of individual companies for specific volumes of gas." Counsel for Panhandle further moved on the record "that the issues be limited, at this time, to matters involving the propriety of (1) a so-called 'rolled-in-rate' throughout the Panhandle system and (2) a demand and commodity form of rate having a contract demand and minimum bill provisions. It would appear that the hearing of these issues would involve principally argument * * *."

It clearly appears from the excerpts quoted above from the motion of Panhandle's counsel that the company requests a severance of certain of the issues from other issues upon which testimony has not been heard in the proceeding and which must be the subject of further hearings in the proceeding.

All parties to the proceeding in Docket No. G–1317 were afforded an opportunity to file written answers to the oral motion made by Panhandle's counsel, and answers have been filed by (1) Michigan Public Service Commission, (2) Bowling Green Gas Company, Central West Utility Company, Citizens Gas Company of Hannibal, Missouri, Gas Service Company, Missouri Edison Company, Missouri Power & Light Company, Missouri Utilities Companies and Missouri Western Gas Company (jointly), (3) Indiana Gas & Water Company, Inc., (4) Citizens Gas Fuel Company, (5) Richmond Gas Corporation, (6) Central Illinois Public Service Company, (7) Kokomo Gas and Fuel Company, (8) Illinois Power Company, and (9) Counsel for the Commission Staff.

None of the parties who have filed written answers to the motion opposes the granting of the motion in so far as it requests the Commission to limit the hearing in the proceeding at this time to matters concerning the broad public convenience and necessity for the proposed construction and operation of the project for which authorization is sought in Docket No. G–1317, and the ability of Panhandle to perform the service proposed. Generally, however, the parties do oppose the granting of Panhandle's motion requesting that the hearing, at this time, be limited to matters involving the propriety of (1) a so-called "rolled-in-rate" throughout the Panhandle system and (2) a demand and commodity form of rate having a contract demand and minimum bill provisions, and the giving by the Commission at this time of any assurance with respect to these matters as requested by Panhandle in the motion of its counsel.

In addition, in the answer filed by counsel for the Commission's Staff it is indicated that "'there is a deficiency in the record which has to be corrected' relating to the potential market for natural gas in the territory presently served by Panhandle." In such answer it is further indicated that the Staff has undertaken to serve information which it states it believes will cure the deficiency, and counsel for the Staff requests opportunity to present testimony with respect to market requirements prior to final disposition of Panhandle's motion. If the view of the Staff is correct, the Commission could not limit the hearings at this time to matters concerning the broad public convenience and necessity and the ability of Panhandle to perform the service proposed until after such testimony is placed in the record.

From an examination of the record in the proceeding it appears that none of the parties has cross-examined Panhandle's witnesses with respect to design, construction, operation and other matters relating to the physical aspects of the proposed project or with respect to the financing of the project or ability of Panhandle to render the service proposed. A completion of the record with respect to these matters would be necessary to enable a determination of the question of the broad public convenience and necessity such as is requested in Panhandle's motion.

Other parties to the proceeding, particularly the Consumers Gas Company of Toronto and representatives of the Government of Canada, have indicated a desire to present testimony in the proceeding at an early date concerning the need for natural gas in Canada. In view of our action herein, an opportunity will be afforded these parties to present their testimony.

In view of the foregoing, the Commission orders:

(A) The hearing in the proceeding in Docket No. G–1317 be resumed on April 18, 1950, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., for the purposes of:

(i) Permitting cross-examination by parties to the proceeding of witnesses who presented evidence on behalf of Panhandle Eastern Pipe Line Company with respect to matters concerning the broad public convenience and necessity for the construction and operation of the project proposed and the ability of Panhandle to perform the service proposed.

(ii) Presentation by the Commission's Staff of testimony concerning the potential market requirements for natural gas service in the territory now served by Panhandle.

(iii) The presentation of testimony by witnesses of Consumers Power Company of Toronto and representatives of the Government of Canada.

The Commission further orders:

(B) An oral argument to be held before the Commission on April 26, 1950, in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., with respect to (i) the matters involved and the issues presented by the petition of Trunkline Gas Supply Company to amend the order issued on April 29, 1949, in Docket No. G–882, (ii) the issues presented by the motion of counsel for Panhandle Eastern Pipe Line Company made on the record in the proceeding in Docket No. G–1317 on March 29, 1950, and the answers thereto filed or made by the parties to the proceeding for the purpose of enabling the Commission to determine whether such motion should be granted in whole or in part, and (iii) whether the Commission should issue a certificate of public convenience and necessity after the taking of testimony and the presentation of argument and filing of briefs as provided herein.

(C) The parties to the respective proceedings may file briefs or statements of position on or before the date fixed herein for oral argument.

(D) Upon conclusion of the oral argument provided for in paragraph (B) hereof the Presiding Examiner to certify to the Commission the record in the proceedings in Docket Nos. G–882 and G–1317 so that the Commission may determine (i) whether or not the motion of Trunkline for omission of the intermediate decision should be granted or denied and a final decision should be rendered by the Commission, (ii) whether the motion of Panhandle hereinbefore referred to should be granted or denied, and (iii) whether the Commission should issue a certificate of public convenience and necessity to Panhandle.

Date of issuance: April 14, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 50-3303; Filed, Apr. 19, 1950; 8:46 a. m.]

[Docket Nos. G–962, G–1070]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF PETITION TO AMEND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

APRIL 14, 1950.

Take notice that Tennessee Gas Transmission Company (Applicant), a Delaware Corporation, Esperson Building, Houston, Texas, filed on April 12, 1950, a petition, pursuant to section 16 of the Natural Gas Act and pursuant to the rules of practice and procedure of

the Federal Power Commission, to amend the order issued July 29, 1949, granting a certificate of public convenience and necessity.

Applicant proposes to alter its authorized lateral extending southward from its compressor station No. 5 in Louisiana by substituting 95 miles of 20-inch line for 95 miles of 16-inch line, and 75 miles of 16-inch line for 34 miles of 12¾-inch line. The net increase in mileage due to these proposed changes amounts to approximately 41 miles.

The estimated additional cost of the facilities proposed to be constructed is $2,693,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 27th day of April 1950. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50-3302; Filed, Apr. 19, 1950; 8:46 a. m.]

[Docket No. G-1277, G-1335]

TRANSCONTINENTAL GAS PIPE LINE CORP. AND CAROLINA NATURAL GAS CORP.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

APRIL 13, 1950.

On March 3, 1950, Carolina Natural Gas Corporation (Applicant) filed an application in Docket No. G-1335 for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas transmission pipe line facilities subject to the jurisdiction of the Commission, and for an order under section 7 (a) of the act directing Transcontinental Gas Pipe Line Corporation (Transcontinental), applicant in Docket No. G-1277, to establish physical connection of its transportation facilities with the facilities of and sell natural gas to Applicant, as described in the application on file with the Commission and open to public inspection. Notice of filing of the application has been given, including publication in the FEDERAL REGISTER on March 22, 1950 (15 F. R. 1612).

On April 3, 1950, Applicant filed a motion with the Commission that the proceeding in Docket No. G-1335 be consolidated for purpose of hearing with the proceeding in Docket No. G-1277, relating to the matters involved and issues presented with respect to the construction of facilities needed for service to the New England area. That portion of Transcontinental's application in Docket No. G-1277 was consolidated for hearing by the order of the Commission issued January 26, 1950, with the proceedings in Docket Nos. G-1248, G-1267, G-1210, G-1236, G-1264, G-1306, and G-1290, and the hearing on these consolidated proceedings is currently in progress. Applicant was permitted to intervene in Docket No. G-1277 by the order of the Commission issued March 6, 1950. Its petition to intervene was filed on February 20, 1950.

Applicant proposes to construct and operate approximately 372 miles of natural-gas transmission pipe line, consisting of 18 lines having an aggregate design capacity of 140,000 Mcf per day and extending laterally from the main transmission line of Transcontinental, its proposed gas supplier, at various points thereon to the various markets proposed to be served by Applicant in North and South Carolina, together with other appurtenant facilities.

In its motion, Applicant submits that the Commission cannot properly determine the issues presented in Docket No. G-1277, particularly the question of whether Transcontinental should be permitted to extend its facilities to connect with those of Northeastern Gas Transmission Company, Applicant in Docket No. G-1267, and sell gas to such company, without first considering the issues presented by the application in Docket No. G-1335.

The Commission finds: Good cause has been shown for the application of Carolina Natural Gas Corporation in Docket No. G-1335 to be consolidated for purpose of hearing with the application in Docket No. G-1277, relating to the matters involved and the issues presented with respect to the construction of facilities needed for service to the New England area, and the motion filed on April 3, 1950, by Carolina Natural Gas Corporation should be granted.

The Commission orders:

(A) The application of Carolina Natural Gas Corporation in Docket No. G-1335 be and the same hereby is consolidated for purpose of hearing with the proceeding in Docket No. G-1277.

(B) A public hearing be held commencing on May 1, 1950, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by the application of Carolina Natural Gas Corporation in Docket No. G-1335.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure.

Date of issuance: April 14, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50-3305; Filed, Apr. 19, 1950; 8:47 a. m.]

[Docket No. G-1337]

NORTHERN NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

APRIL 13, 1950.

On March 10, 1950, Northern Natural Gas Company (Applicant), a Delaware corporation having its principal place of business at Omaha, Nebraska, filed an application for an order pursuant to section 7 (b) of the Natural Gas Act, as amended, permitting and approving the abandonment of certain natural-gas facilities, subject to the jurisdiction of the Commission, as fully described in such application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on March 25, 1950 (15 F. R. 1683).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, a hearing be held on May 4, 1950, at 9:30 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State Commissions may participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: April 14, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50-3306; Filed, Apr. 19, 1950; 8:47 a. m.]

[Docket No. G-1353]

GAS TRANSPORT, INC.

ORDER FIXING DATE OF HEARING

APRIL 13, 1950.

On March 31, 1950, Gas Transport, Inc. (Applicant), a Delaware corporation having its principal place of business at Lancaster, Ohio, filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities, subject to the jurisdiction of the Commission, all as more fully described in such application on file with the Commission and open to public inspection.

Applicant has requested that this application be heard under the shortened procedure provided by § 1.32 (b) of the Commission's rules of practice and procedure for non-contested proceedings, and this proceeding appears to be a proper one for disposition under the aforesaid rule, provided no request to be heard, protest or petition raising an

issue of substance if filed subsequent to the giving of due notice of the filing of the application including publication in the FEDERAL REGISTER on April 13, 1950 (15 F. R. 2091).

The Commission orders:

(A) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a public hearing be held on April 27, 1950, at 9:45 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the said rules of practice and procedure.

Date of issuance: April 14, 1950.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 50-3304; Filed, Apr. 19, 1950; 8:47 a. m.]

FEDERAL TRADE COMMISSION

[Docket No. 5753]

ANAHIST CO., INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony and the receipt of evidence, and pursuant to authority vested in the Federal Trade Commission,

It is ordered, That Earl J. Kolb, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony and the receipt of evidence begin on Friday, April 28, 1950, at two o'clock in the afternoon of that day, e. s. t., in Room 532, Federal Trade Commission Building, Sixth and Pennsylvania Avenue, Washington, D. C.

Upon completion of the taking of testimony and receipt of evidence in support of the allegations of the complaint, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the taking of testimony and evidence and, after all intervening procedure as required by law, will close the case and make and serve on the parties at issue a recommended decision which shall include recommended findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and an appropriate recommended order; all of which shall become a part of the record in said proceeding.

Issued: April 13, 1950.

By the Commission.

[SEAL] WM. P. GLENDENING, Jr., *Acting Secretary.*

[F. R. Doc. 50-3300; Filed, Apr. 19, 1950; 8:46 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 25031]

SUGAR FROM LOUISIANA AND TEXAS TO ARKANSAS AND OKLAHOMA

APPLICATION FOR RELIEF

APRIL 17, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3662.

Commodities involved: Sugar, beet or cane, carloads.

From: Points in Louisiana and Texas.

To: Points in Arkansas and Oklahoma.

Grounds for relief: Circuitous routes and competition with motor carriers.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3662, Supplement 67.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-3321; Filed, Apr. 19, 1950; 8:51 a. m.]

[4th Sec. Application 25032]

COMMODITY RATES FROM AND TO POINTS IN IOWA

APPLICATION FOR RELIEF

APRIL 17, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Chicago, Burlington & Quincy Railroad Company for itself and on behalf of carriers parties to tariffs named in the application.

Commodities involved: Commodity rates.

Between: Points on the Chicago, Burlington & Quincy Railroad, Bloomfield to Viele, Iowa, on the one hand, and points in the United States, on the other.

Grounds for relief: Abandonment of portion of a line.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary*

[F. R. Doc. 50-3322; Filed, Apr. 19, 1950; 8:51 a. m.]

[4th Sec. Application 25033]

LUMBER IN THE SOUTHWEST

APPLICATION FOR RELIEF

APRIL 17, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to the tariffs listed below.

Commodities involved: Lumber and related articles, carloads.

Between: Points in the southwest.

Grounds for relief: Circuitous routes and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: D. Q. Marsh's tariffs I. C. C. Nos. 3850, 3805, 3816, 3709, 3853, and 3757, Supplements Nos. 16, 35, 22, 71, 15, and 27, respectively.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the

expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-3323; Filed, Apr. 19, 1950; 8:51 a. m.]

[4th Sec. Application 25034]

FISH SCRAP FROM EMPIRE, LA., TO CHICAGO, ILL.

APPLICATION FOR RELIEF

APRIL 17, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: D. Q. Marsh, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 3595.

Commodities involved: Fish scrap, NOIBN., dry or acid fish scrap, carloads.

From: Empire, La.

To: Chicago, Ill.

Grounds for relief: Market competition.

Schedules filed containing proposed rates: D. Q. Marsh's tariff I. C. C. No. 3595, Supplement 297.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-3324; Filed, Apr. 19, 1950; 8:51 a. m.]

[4th Sec. Application 25035]

POLISHING COMPOUNDS FROM CHICAGO, ILL., AND RACINE, WIS., TO MEMPHIS, TENN.

APPLICATION FOR RELIEF

APRIL 17, 1950.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. G. Raasch, Agent, for and on behalf of carriers parties to his tariff I. C. C. No. 578, pursuant to fourth-section order No. 9800.

Commodities involved: Compounds, buffing and polishing, carloads.

From: Chicago, Ill., and Racine, Wis.

To: Memphis, Tenn.

Grounds for relief: Circuitous routes.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission, Division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-3325; Filed, Apr. 19, 1950; 8:51 a. m.]

[Rev. S. O. 562, Amdt. 1 to King's I. C. C. Order 15]

ANN ARBOR RAILROAD CO.

DIVERSION OR REROUTING OF TRAFFIC

Upon further consideration of King's I. C. C. Order No. 15 and good cause appearing therefor: *It is ordered*, that:

King's I. C. C. Order No. 3, be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* This order shall expire at 11:59 p. m., April 30, 1950, unless otherwise modified, changed, suspended or annulled.

It is further ordered, that this amendment shall become effective at 11:59 p. m., April 15, 1950, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Division of Federal Register.

Issued at Washington, D. C., April 13, 1950.

INTERSTATE COMMERCE COMMISSION, HOMER C. KING, *Agent.*

[F. R. Doc. 50-3326; Filed, Apr. 19, 1950; 8:51 a. m.]

ORGANIZATION AND ASSIGNMENT OF WORK

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 14th day of April A. D. 1950.

Section 17 of the Interstate Commerce Act, as amended, being under consideration:

It is ordered, That subsection (b) of section 0.6, *Assignment of duties to individual Commissioners*, of the order of June 8, 1942, as amended, on "Organization and Assignment of Work" be amended in the following particulars:

1. By deleting from paragraph (6), *The Commissioner to whom the Bureau of Motor Carriers reports*, the following words: "Applications for temporary authority for service by common or contract carriers by motor vehicle under section 210a (a). (This assignment is concurrent with the assignment of this paragraph to Division Five, *supra*)" and substituting in lieu thereof the following: "Applications for temporary authority for service by common or contract carriers by motor vehicle under section 210a (a)."

2. By adding paragraph (6a) reading as follows:

(6a) *To Commissioner Patterson.* Applications for transfer of certificates or permits of carriers by motor vehicle under section 212 (b).

3. By deleting from paragraph (7), *The Commissioner to whom the Bureau of Finance reports*, the words "When all the corporations are part of the same system" so that the paragraph as amended will read as follows:

(7) *The Commissioner to whom the Bureau of Finance reports.* Applications under section 20a (12) for authority to hold the position of officer or director or more than one corporation.

It is further ordered, That the foregoing amendments shall become effective forthwith.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 50-3327; Filed, Apr. 19, 1950; 8:51 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1177]

PARAMOUNT PICTURES CORP.

ORDER GRANTING APPLICATION TO EXTEND UNLIMITED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 13th day of April A. D. 1950.

The Midwest Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the Common Stock, $1.00 Par Value, of Paramount Pictures Corporation.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application finds:

(1) That the Common Stock, $1.00 Par Value, of Paramount Pictures Corporation is registered and listed on the New York Stock Exchange;

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Midwest Stock Exchange for permission to extend unlisted trading privileges to the Common Stock, $1.00 Par Value, of Paramount Pictures Corporation be, and the same is, hereby granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-3311; Filed, Apr. 19, 1950; 8:49 a. m.]

[File No. 7-1179]

PAN AMERICAN WORLD AIRWAYS, INC.

ORDER GRANTING APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 13th day of April A. D. 1950.

The Midwest Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the Capital Stock; $1.00 Par Value, of Pan American World Airways, Inc.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application finds:

(1) That the Capital Stock, $1.00 Par Value, of Pan American World Airways, Inc. is registered and listed on the New York Stock Exchange;

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Midwest Stock Exchange for permission to extend unlisted trading privileges to the Capital Stock, $1.00 Par Value, of Pan American World Airways, Inc. be, and the same is, hereby granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-3312; Filed, Apr. 19, 1950; 8:49 a. m.]

[File No. 7-1189]

PAN AMERICAN WORLD AIRWAYS, INC.

ORDER GRANTING APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 13th day of April A. D. 1950.

The Philadelphia-Baltimore Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the Capital Stock, $1 Par Value, of Pan American World Airways, Inc.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application finds:

(1) That the Capital Stock, $1 Par Value, of Pan American World Airways, Inc. is registered and listed on the New York Stock Exchange;

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Philadelphia-Baltimore Stock Exchange for permission to extend unlisted trading privileges to the Capital Stock, $1 Par Value, of Pan American World Airways, Inc. be, and the same is, hereby granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-3309; Filed, Apr. 19, 1950; 8:49 a. m.]

[File No. 7-1190]

NIAGARA MOHAWK POWER CORP.

ORDER GRANTING APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 13th day of April A. D. 1950.

The Philadelphia-Baltimore Stock Exchange has made application to the Commission pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 for permission to extend unlisted trading privileges to the Common Stock, Without Par Value, of Niagara Mohawk Power Corporation.

After appropriate notice and opportunity for hearing and in the absence of any request by any interested person for hearing on this matter, the Commission on the basis of the facts submitted in the application finds:

(1) That the Common Stock, Without Par Value, of Niagara Mohawk Power Corporation is registered and listed on the New York Stock Exchange;

(2) That sufficient public distribution of, and sufficient public trading activity in, this security exist in the vicinity of the applicant exchange to render the extension of unlisted trading privileges thereto appropriate in the public interest and for the protection of investors; and

(3) That the extension of unlisted trading privileges on the applicant exchange to this security is otherwise appropriate in the public interest and for the protection of investors.

Accordingly it is ordered, Pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934, that the application of the Philadelphia-Baltimore Stock Exchange for permission to extend unlisted trading privileges to the Common Stock, Without Par Value, of Niagara Mohawk Power Corporation be, and the same is, hereby granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-3310; Filed, Apr. 19, 1950; 8:49 a. m.]

[File No. 30-173]

EASTERN MINNESOTA POWER CORP.

ORDER PROHIBITING REGISTRATION AS HOLDING COMPANY

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 13th day of April A. D. 1950.

Eastern Minnesota Power Corporation ("Eastern Minnesota"), a registered holding company, having filed an application with this Commission pursuant to section 5 (d) of the Public Utility Holding Company Act of 1935 ("act") for an order declaring that it has ceased to be a holding company; and

Applicant having stated that, in accordance with the terms of a plan filed by it pursuant to section 11 (e) of the act and approved by the Commission on May 13, 1949 (see Eastern Minnesota Power Corporation et al., — S. E. C. — (1949), Holding Company Act Release No. 9077), it has distributed substantially all of its assets, which consisted primarily of cash and shares of the common stock of Wisconsin Hydro Electric Company ("Wisconsin Hydro"), its only subsidiary company, to its stockholders, that it has completed proceedings for its dissolution in compliance with the statutes of the State of Minnesota, that its affairs in dissolution are administered by three of its former directors who have been designated by its stockholders as trustees in dissolution, that it has no control over Wisconsin Hydro, that it holds, for distribution upon surrender of shares of its own stock or for disposition in accordance with the terms of said plan, less than 1 per cent of the common stock of Wisconsin Hydro, and that its remaining assets consist of approximately $5,000 in cash held as a reserve for the payment of expenses

which may be incurred and of a possible income tax liability; and

The Commission having issued a notice of filing on March 24, 1950, with respect to said application, which notice provided that any interested person might, not later than April 10, 1950, request in writing, that a hearing be held on such matter, and the Commission not having received any such request within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that Eastern Minnesota has ceased to be a holding company, that it is necessary or appropriate for the protection of investors that jurisdiction be reserved to pass upon any issues which may arise in connection with the consummation of said plan in the same manner and to the same extent as though Eastern Minnesota continued to be a registered holding company, and that, except for such reservation of jurisdiction, the registration of Eastern Minnesota as a holding company should cease to be in effect:

It is ordered, Pursuant to section 5 (d) of the act, that Eastern Minnesota has ceased to be a holding company and that the registration of Eastern Minnesota shall forthwith cease to be in effect: *Provided, however*, That, for the protection of investors, the Commission reserves jurisdiction to pass upon any issues which may arise in connection with the consummation of said plan approved by Order of the Commission dated May 13, 1949, in the same manner and to the same extent as though Eastern Minnesota was still, in all respects, a registered holding company.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-3313; Filed, Apr. 19, 1950; 8:49 a. m.]

[File No. 811-174]

TRUST ENDOWMENT AGREEMENTS

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 13th day of April A. D. 1950.

Notice is hereby given that Colonial Trust Company, located at No. 57 William Street, New York, New York, Successor Trustee under a series of Trust Endowment Agreements between Corporate Equities, Inc., Sponsor, and The First National Bank of Jersey City, New Jersey, Trustee, and individual investors, has filed an application pursuant to section 8 (f) of the Investment Company Act of 1940 for an order of the Commission, declaring that Trust Endowment Agreements has ceased to be an investment company within the meaning of the act.

The following facts appear from the application:

Trust Endowment Agreements, a periodic payment plan, registered under the act, was created to sell shares of Trust Endowment Shares, Series A, a unit investment trust created by Trust Agreement dated as of January 1, 1933, between Corporate Equities, Inc., Sponsor, and Manufacturers Trust Company of the City of New York, original Trustee, and Colonial Trust Company of New York as ultimate successor Trustee.

Pursuant to the Trust Agreement, the Trustee terminated the trust following the proposed resignation of the Trustee and the failure to have a successor appointed.

On November 6, 1947, the Trustee liquidated the underlying assets and distributed to all the holders of Trust Endowment Agreements the amounts standing to their respective accounts except for a total of $4,380.81, due to three of such holders who failed to present their Agreements. All liabilities of the trust have been paid.

The sponsor, Corporate Equities, Inc., was dissolved on or about December 31, 1947, and its corporate existence has expired.

An application pursuant to section 8 (f) of the act has also been filed In the Matter of Trust Endowment Shares, Series A, File No. 811-175, which were the underlying securities for Trust Endowment Agreements.

All interested persons are referred to said application which is on file at the Washington, D. C., office of this Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application may be issued by the Commission at any time after April 28, 1950, unless prior thereto a hearing on the application is ordered by the Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than April 26, 1950, at 5:30 p. m., e. s. t., submit in writing to the Commission his views or any additional fact bearing upon the application or the desirability of a hearing thereon or request the Commission, in writing, that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, No. 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-3315; Filed, Apr. 19, 1950; 8:49 a. m.]

[File No. 811-175]

TRUST ENDOWMENT SHARES, SERIES A

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 13th day of April A. D. 1950.

Notice is hereby given that Colonial Trust Company, located at No. 57 William Street, New York, New York, Successor Trustee under Agreement dated as of January 1, 1933, between Corporate Equities, Inc., Sponsor, and Manufacturers Trust Company of the City of New York, as Trustee, has filed an application pursuant to section 8 (f) of the Investment Company Act of 1940 for order of the Commission declaring that Trust Endowment Shares, Series A has ceased to be an investment company within the meaning of the act.

The following facts appear from the application:

Trust Endowment Shares, Series A is a unit investment trust registered under the act. Pursuant to the Trust Agreement the Trustee terminated the trust following the proposed resignation of the Trustee and the failure to have a successor appointed.

On November 6, 1947 the Trustee liquidated all of the underlying securities remaining in its hands and distributed all the assets of $120,231.71 to shareholders at the rate of $3.6434 per share except $909.12 for distribution to one holder of 250 shares upon surrender of his certificate. All liabilities of the trust have been paid.

The sponsor, Corporate Equities, Inc., was dissolved on or about December 31, 1947, and its corporate existence has expired.

An application pursuant to section 8 (f) of the act has also been filed In the Matter of Trust Endowment Agreements, File No. 811-174 which was a periodic payment plan created by a Trust Agreement between Corporate Equities, Inc., as Sponsor and Colonial Trust Company as Successor Trustee under which Trust Endowment Shares, Series A was the underlying security.

All interested persons are referred to said application which is on file at the Washington, D. C., office of this Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application may be issued by the Commission at any time after April 28, 1950, unless prior thereto a hearing on the application is ordered by the Commission as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than April 26, 1950 at 5:30 p. m., e. s. t., submit in writing to the Commission his views or any additional fact bearing upon the application or the desirability of a hearing thereon or request the Commission, in writing, that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, No. 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 50-3314; Filed, Apr. 19, 1950; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 11069, Amdt.]

ERNST SEELIS

In re: Bank account, bonds and stock owned by Ernst Seelis.

Vesting Order 11069, dated April 9, 1948, is hereby amended as follows and not otherwise:

a. By deleting from Exhibit A, attached to and by reference made a part of said Vesting Order 11069, those certain bonds described therein as follows:

Department of Caldas, Colombia External Sinking Fund 7½% bonds numbered DCM 72/75 of $1,000.00 face value each, and

b. By adding to said Vesting Order 11069 after subparagraph 2 (h) a new subparagraph numbered 2 (i) and reading as follows:

(i) Four (4) Certificates of Deposit for Department of Caldas (Republic of Colombia) 20 year External 7½ Secured Sinking Fund Bonds, of $1,000.00 face value each and numbered DCM 72/75, which Certificates of Deposit are presently in the custody of The Chase National Bank of the City of New York, 20 Pine Street, New York, New York, together with any and all rights thereunder and thereto,

All other provisions of said Vesting Order 11069 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on April 7, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-3335; Filed, Apr. 19, 1950; 8:53 a. m.]

[Vesting Order 14537]

KIYO IWAZAWA

In re: Cash owned by Kiyo Iwazawa. F-39-6710-E-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kiyo Iwazawa, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows: Cash in the sum of $339.85, presently in the possession of the Treasury Department of the United States in Trust Fund Account, Symbol 158915, "Deposits, Funds of Civilian Internees and Prisoners of War," in the name of Kiyo Iwazawa, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Kiyo Iwazawa, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 7, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-3332; Filed, Apr. 19, 1950; 8:52 a. m.]

[Vesting Order 14541]

USABURO MORINO

In re: Stock owned by Usaburo Morino. F-39-6679-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Usaburo Morino, who there is reasonable cause to believe is a resident of Japan, is a national of a designated enemy country (Japan);

2. That the property described as follows: Four (4) shares of $25.00 par value preferred capital stock of Pacific Gas & Electric Company, 245 Market Street, San Francisco 6, California, a corporation organized under the laws of the State of California, evidenced by a certificate numbered 26692, for One (1) share of $100 par value 6% First Preferred capital stock of said Pacific Gas & Electric Company, registered in the name of Usaburo Morino, together with all declared and unpaid dividends thereon, and all rights to receive a new certificate for shares of $25.00 par value Preferred stock,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 7, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-3333; Filed, Apr. 19, 1950; 8:52 a. m.]

[Vesting Order 14546]

HENRY WIEDEMAN

In re: Stock owned by the personal representatives, heirs, next of kin, legatees and distributees of Henry Wiedeman also known as Henry Wiedemann, deceased. F-28-23116-D-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the personal representatives, heirs, next of kin, legatees and distributees of Henry Wiedeman also known as Henry Wiedemann, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany);

2. That the property described as follows: One (1) share of 7% cumulative preferred capital stock of the Jones and Laughlin Steel Corporation, Third Avenue and Ross Street, Pittsburgh 30, Pennsylvania, a corporation organized under the laws of the State of Pennsylvania, evidenced by certificate numbered PO 12342, registered in the name of Henry Wiedeman, together with all declared and unpaid dividends thereon, and any and all rights in, to and under a stockholders authorized plan of recapitalization, dated July 22, 1941,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the personal representatives, heirs, next of

kin, legatees and distributees of Henry Wiedeman also known as Henry Wiedemann, deceased, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the personal representatives, heirs, next of kin, legatees and distributees of Henry Wiedeman also known as Henry Wiedemann, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 7, 1950.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Acting Director,
Office of Alien Property.

[F. R. Doc. 50-3334; Filed, Apr. 19, 1950; 8:52 a. m.]